Riverside Literature Series

THE GREAT DEBATE

Hayne and Webster

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The Riverside Literature Series

THE GREAT DEBATE

BETWEEN ROBERT YOUNG HAYNE OF SOUTH CAROLINA AND DANIEL WEBSTER OF MASSACHUSETTS

EDITED BY

LINDSAY SWIFT

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PREFACE.

In the preparation of the speech of Mr. Hayne, the text of the Boston edition of 1830 (Carter & Hendee) has been mainly followed. Mr. Webster's speech as here printed is based on the edition of his works published in 1851 (Little & Brown). In cases of doubt consultation has been had with the manuscript of this famous speech which is now deposited in the Boston Public Library, and which deserves at least a passing word. Bound together in one volume may be found the original shorthand report made by Joseph Gales, of Washington (14 ff.); the speech as written out from this report by Mr. and Mrs. Gales (100 ff.); the speech as prepared from the foregoing by Mr. Webster (85 ff. — of which more than 60 are in his own handwriting); and an Appendix of notes indorsed by Mr. Webster, which has been advisedly omitted from the present edition. The facsimile which accompanies the present volume has been made from the concluding lines of Mr. Webster's version, and with it is given also the same portion as written out by Mr. and Mrs. Gales. It is easy to see

at a glance how great is the gain in smoothness and elegance, although the sentiment remains unchanged. Such a manipulation of a speech as uttered becomes justifiable when it is remembered that this marvelous effort was made almost without preparation, and that but for the long incubation of the ideas therein set forth, in the statesman's mind, the delivery could hardly have been made at all.

The reproduction of Mr. Healy's famous painting is likely to interest those who may never have the fortune to see the original picture in Faneuil Hall, Boston; and even the list of names of the eminent men and women, some of whom heard the Great Debate, is a stimulus to recall so memorable an event.

To understand properly the full significance of these two speeches, some knowledge of the events which preceded and occasioned them is needful. The notes relate properly only to the texts in hand, and therefore for a larger view, guidance should be sought elsewhere. No safer companion through numerous and confusing references exists at present than Channing and Hart's "Guide to the Study of American History." Few notes have seemed necessary to the closing portion of Webster's speech; the view of the Constitution as here interpreted is its own explanation, and no annotation could add to its clearness and force.

I wish hereby to express my thanks to the Trustees

and to the Librarian of the Boston Public Library for their courtesy in permitting the use of the Webster manuscript now in their possession.

Mr. Calvin W. Lewis, of Boston, has generously permitted me to use his unpublished notes, which have grown out of many years' admiration and study of Daniel Webster, and I am deeply obliged to him for this courtesy.

L. S.

Boston, *December*, 1897.

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CONTENTS.

PAGE

A reproduction from a photograph of G. P. A. Healy's painting of the Great Debate, in Faneuil Hall, with a Key to the Portraits in the Painting . *Frontispiece.*

The Great Debate: The Occasion and the Event . . 7

Sketch of Robert Young Hayne 19

Speech of Mr. Hayne 25

Sketch of Daniel Webster 103

Fac-Simile of a page of the Webster Manuscript, now in the Boston Public Library, and Stenographic Report of the corresponding portion of the Speech, as actually delivered . . . *Between* pp. 110 and 111

Speech of Mr. Webster in Reply to Hayne . . . 111

WEBSTER REPLYING TO HAYNE, IN THE
(Painted in Paris b

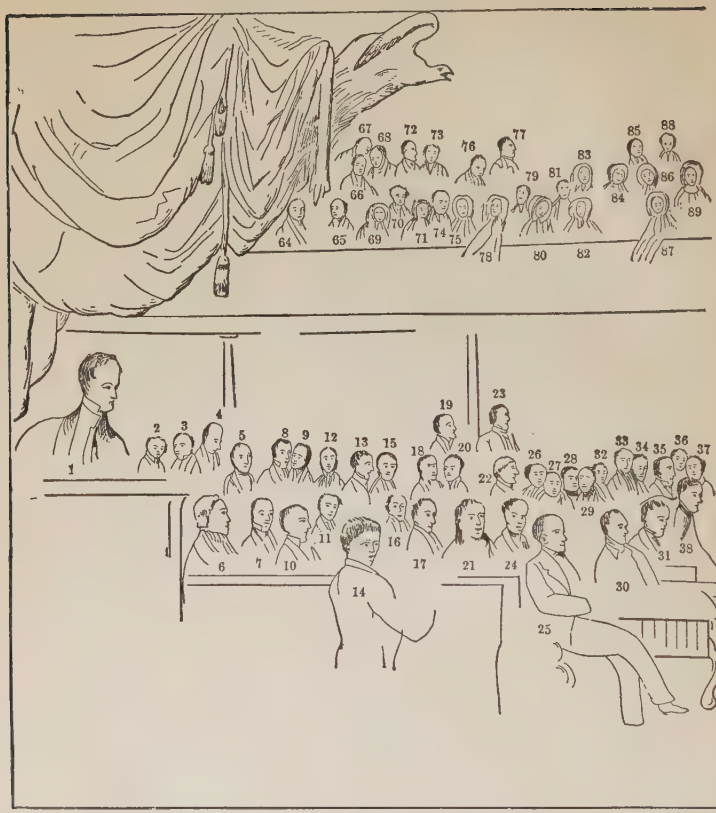
TE OF THE UNITED STATES, JANUARY 26, 1830
e Peter Alexander Healy)

NAMES IN THE KEY

The letter S in parentheses after a name indicates a Senator; H, a member of the House of Representatives.

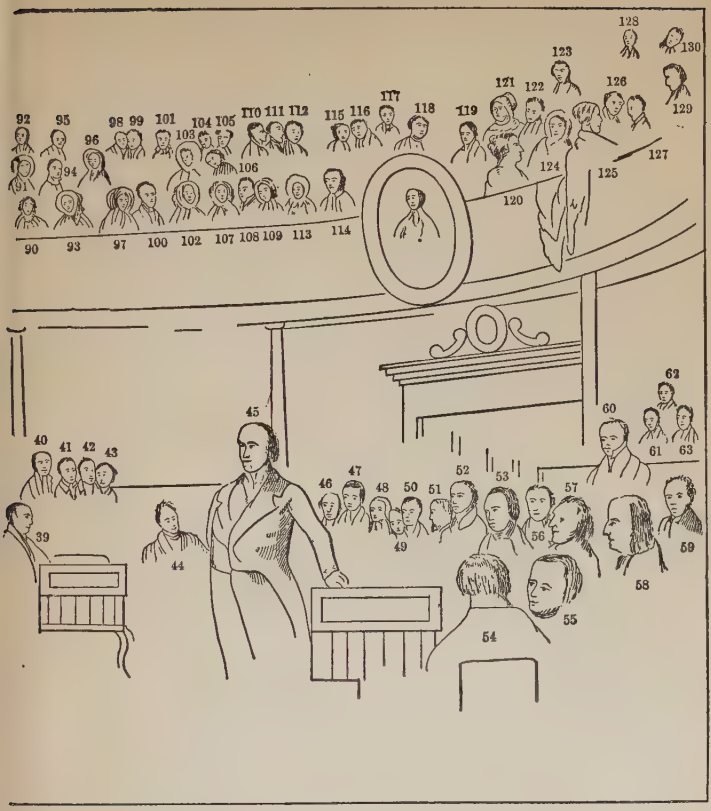
1 J. C. Calhoun, President of Senate
2 Dr. Philip Lindsley
3 R. M. Johnson (H)
4 J. C. Brent
5 Col. Washington
6 Judge G. M. Bibb (S)
7 N. R. Knight (S)
8 Rev. (Isaac ?) Anderson
9 R. Cox
10 W. R. King (S)
11 S. A. Foote (S)
12 Judge J. McP. Berrien
13 Mr. Silsbee (?)
14 The Page of the Senate
15 Mr. Beal
16 T. Frelinghuysen (S)
17 John Tyler (S)
18 Tristam Burges (H)
19 Ogle Tayloe
20 John Bell (H)
21 L. W. Tazewell (S)
22 E. P. Corbin
23 Major Samuel (?) Smith (S ?)
24 **R. Y. Hayne** (S)
25 Judge Jacob Burnet (S)
26 B. W. Crowninshield (H)
27 Mr. Anderson
28 Joseph Gales
29 S. F. Vinton (H)
30 Peleg Sprague (S)
31 Walter Lowrie, Sec. of Senate
32
33 Judge John McLean
34 J. K. Polk (H)
35 Lewis Cass
36
37 George (?) Evans (H)
38
39 Levi Woodbury (S)
40 Edward Everett (H)
41 J. M. Wayne (H)
42 John Reed (H)
43
44 J. M. Clayton (S)
45 **Daniel Webster** (S)
46 Mr. Woodbury (?)
47 John Davis (H)
48
49
50 W. W. Seaton
51
52 Chester Harding
53 Arnold Naudain (S)
54
55
56 Samuel Bell (S)
57 T. H. Benton (S)
58 Nathaniel Silsbee (S)
59 E. F. Chambers (S)
60 Judge Joseph Story
61 N. Greene (?)
62 Comte de Menou
63 Dixon H. Lewis (H)
64 H. G. Otis
65 Nathan Appleton
66 George Ticknor
67
68
69 Mrs. E. Henderson Otis
70 Alexander Barrow
71 J. W. T. (?)
72 W. H. Prescott
73 Dr. Hunt
74 Judge William Cranch
75 Mrs. Paige
76 Mr. Leroy
77 J. W. Paige
78 Mrs. Leroy
79 Mr. Sparks
80 Mrs. Sparks
81
82 Mrs. J. K. Polk
83 Mrs. Ticknor
84 Mrs. Webster
85 Lorenzo Draper
86 Mrs. Marsh
87 Mrs. Gales
88 John Eliot Thayer
89 Mrs. Hunt
90 Mrs. Blanchard
91 Mrs. Wainwright
92 Franklin Haven
93 Mrs. Florida White
94 I. P. Davis
95 Charles B. King
96 Mrs. Bradlee
97 Mrs. F. P. Corbin
98 John A. Lowell
99 William Appleton
100 Philip Hone
101 Mr. Van den Broek
102 Mrs. Willington
103 Mrs. Loring
104 Hezekiah (?) Niles
105 George Karsh
106 Dr. (?) George Sumner
107 Mrs. McLean
108 Samuel Appleton
109 Mrs. Seaton
110 Mrs. Childs
111
112 Mr. de Tocqueville
113 Mrs. Crawford
114 John Q. Adams
115 Thomas Couture
116 Jonathan (?) Hunt (H ?)
117 R. L. Kennedy
118 Col. T. H. Perkins
119 T. H. (?) Crawford (H ?)
120 Miss Ida Russell
121 Miss Kennedy
122
123 Gen. Winfield Scott
124 Mrs. Benton
125 Miss Carns
126 Mr. Powell
127 Mr. Fry
128 Mr. Calvert
129 H. W. (?) Longfellow
130 S. G. (?) Goodrich

KEY TO THE PAINTING



This painting hangs over the platform in Faneuil Hall, Boston. It contains the portraits done from life of over one hundred men and women of more or less celebrity at the time of the Great Debate. It is probable that many persons have been introduced who were not actually present, as for instance M. Couture, who was born in 1815, and who never visited America; also Mr. Longfellow, who was at the time at Bowdoin College. M. de Tocqueville came to America in 1831. Miss Mary Crowninshield Silsbee, afterwards

KEY TO THE PAINTING



Mrs. Jared Sparks, was present, but no recognition is made of this fact in the painting. Instances could be multiplied, but those mentioned show the liberty taken by the artist. So far as possible correct names have been given; some are conjectured. Finished twenty years after the delivery of the speech, the picture seems purposely to commemorate the faces of many political admirers of Mr. Webster, somewhat to the neglect of those who no doubt were present to hear and support Mr. Hayne.

THE GREAT DEBATE.

THE OCCASION AND THE EVENT.

ALTHOUGH neither of the speeches in the Great Debate dwelt at any length on the topic which called them forth, it is desirable to understand something of the causes and occasion of such an event, possibly the most remarkable episode which has happened in the national Congress. During the first session of the Twenty-first Congress, and on December 29, 1829, Samuel A. Foote of Connecticut moved in the Senate the following resolution: —

"Resolved, That the Committee on Public Lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the *minimum* price. And, also, whether the office of surveyor-general, and some of the land offices, may not be abolished without detriment to the public interest."

It is important to notice that Mr. Foote acted on his own responsibility in offering this resolution; that it was moved with a view to inquiry only; and that a personal examination of a late report of the Commissioner of the Land Office revealed that, while the annual demand for public land would not probably exceed a million acres, the quantity remaining unsold at the minimum price was more than seventy-two million acres.

Harmless as the resolution probably was, it roused opposition from the West and South. Mr. Benton of Missouri thought that it implied an intention to harm the new West

ern States, while Mr. Holmes of Maine supported it as an important measure. After Mr. Foote had asserted that he held no purposes unfriendly to the Western States, there was a postponement of consideration until January 11, 1830. In the present instance the customary procrastination on the part of Congress resulted in a real and lasting benefit to the country. When the consideration was again taken up on January 13, it was opposed by several Western Senators, but on the 18th Mr. Benton spoke at length in opposition; on the next day Mr. Holmes rejoined and was followed by other members. At this point Mr. Hayne entered the debate and spoke for the remainder of the day, and in the audience of Mr. Webster, who had come into the Senate from an adjournment of the Supreme Court, where he was then engaged on the important case of Carver *v.* Jackson ex dem. Astor. The tone of Mr. Hayne's remarks was such that at an intimation from some of his friends as to the necessity of an answer by a Northern man, Mr. Webster, absorbed as he was with an important legal case, rose to reply, but made room for a motion to adjourn. On the next day, the 20th, the resolution under debate was altered, as suggested by Senators Sprague of Maine and Woodbury of New Hampshire, by the addition of the following clause: "Or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands." In regard to this matter of the public lands, brief explanations will be made in the form of notes to the text of the two speeches.

After this modification of the original resolution Mr. Webster took up the debate, and defended the course of the government in its management of the public lands; he denied that any hostility had been shown the West; in particular he sought to show that New England had been free from an adverse spirit. It was then that he so warmly revived the memory of Nathan Dane as the author of the Ordinance of 1787, by which was organized the govern-

ment of the Northwest Territory. As he had done before and as he was often to do again in his political career, Mr. Webster felt called upon to defend the consistency of his own course. Though his second speech has wellnigh caused his first on Foote's resolution to become faint in the popular memory, one passage is worthy of the great orator at his best, — his contrast between the Ohio of 1794 and that of 1830. Mr. Benton followed him on that day. On the 21st, Mr. Hayne began his second and famous speech, not, however, before he had expressed an unwillingness to postpone the discussion, at the request of Mr. Chambers of Maryland, to allow Mr. Webster to be present. In reply to this somewhat unusual refusal on the part of his opponent, Mr. Webster said: "Let the discussion proceed; I am ready now to receive the gentleman's fire." After Mr. Benton had ended his speech which he had begun the day before, Mr. Bell of New Hampshire moved a postponement until the 25th, but the motion was lost. When Mr. Hayne had spoken for about an hour, the Senate did adjourn until the 25th, which fell on Monday, and on that day he finished his argument in about two hours and a half. A motion to adjourn, to which Mr. Webster yielded, prevented the opening of his reply, with which he was then ready. On January 26 Mr. Webster began his speech and spoke for three hours, when the Senate adjourned. On the following day he finished. Thereupon Mr. Hayne, acting with wisdom, decided to say what he had to say at once, and spoke for half an hour entirely on constitutional points. To this Mr. Webster rejoined with a close and precise summary of his own line of reasoning. It is pleasantly remembered that on the evening of this eventful day the combatants met courteously at one of the President's levees in the White House, and exchanged the greetings of gentlemen.

On May 21, 1830, Foote's resolution, after much discussion, from which the life had mainly departed, was indefi-

nitely postponed. Before the topic was dismissed, however, it had been discussed by many of the strongest men of the Senate; and the arguments, some of them very able, ranged from the temperate considerations of Sprague of Maine to the splenetic utterances of Barton of Missouri, the residuary legatee of John Randolph's invective.

One element of greatness in these speeches of Hayne and Webster is the extreme simplicity of each. They could hardly have won the place which they hold in the minds of all Americans had they been complex, or in any wise unintelligible. Both orators rose so high above the level of every-day politics that they saw and considered only the larger historical landmarks. In one especial point, however, the orations differ widely. Hayne, in both his first and second effort, introduced far more of the personal note. At the time, it was thought that his remarks were offensive, and were deliberately meant to be so, to his opponent. Time has softened the impression, though his words remain unchanged. If the charge is true, it is also in a measure easy of explanation. If offense was given, it was bold and direct, and not insinuating and allusive. Mr. Hayne aimed at a section of the country which he thought was intentionally hostile to the South and its adopted ally the West, and he struck at New England through the personality of Mr. Webster, who was, even then, as some one has said, almost an institution by himself. Mr. Webster was a lawyer as well as a statesman; and his practiced skill taught him not only to turn the edge of his enemy's weapon, as he did in the use which he made of Hayne's allusion to Banquo's ghost, but also artfully to lift the whole discussion to serener heights. Webster seems never to have indulged in flattery toward an opponent, but, largely through the greatness of his nature, which had in it something of the indolent, he was disposed to be tolerant, as he certainly was in the present instance. One sees, therefore, nothing of that terrible potency for denunciation in which he occasionally

indulged, as in his defense of the Ashburton Treaty, and in his reply to Ingersoll of Pennsylvania (1846). In another important attribute also the two men differed. Mr. Webster was so fortunate as to possess a full and refreshing sense of humor. The tense and more nervously wrought Southerner lacked that powerful aid to the comprehensive intellect.

At the outset Mr. Hayne advances to attack the attitude of New England toward the West; belittles the renown of Nathan Dane; and then challenges the consistency of Webster in the latter's course on public lands. He accuses the East of a mercenary standard, and rehearses the change of sentiment toward internal improvements and Western interests. He then charges Webster with unfairly contrasting the conditions of the slaveholding and the free States, expounds the Southern attitude regarding slavery, and makes a comparison between it and the poverty of the North. He shows the profits derived by the whole country from slave labor, and assails the spirit of false philanthropy which seeks to disturb an existing security, and explains the quality of the spirit of freedom at the South. He traces the differing theories in regard to a federal or a national union, and repudiates the consolidation of government. Sharply turning from this point, he questions Mr. Webster's change of attitude on the tariff. Perhaps in no part of his speech is Mr. Hayne more telling. Then follows his eloquent laudation of South Carolina, and of her devotion during the Revolution and the War of 1812. At this juncture he enters upon a prolonged criticism of the course of New England, and particularly of Massachusetts, during the events preceding and during the latter war. He cites speeches and sermons to substantiate his arguments, and closes this portion with a severe arraignment of the Hartford Convention, accusing it of treasonable projects. Incidentally he praises the democracy of New England for its patriotism. From this point to the end he traces the South Carolina doctrine of "constitutional remedy" from the Vir-

ginia and Kentucky Resolutions and Madison's Report, introducing the authority of Jefferson to support his views. His conclusion is that the federal government is not the exclusive judge of the extent of its powers.

Mr. Webster in beginning his reply calls for a reading of the resolution; denies in an easy manner that he has been irritated by his opponent's thrusts, or that he first sought the contest. He then takes up the charge of coalition, in which he lightly turns the quotation from Macbeth regarding Banquo's ghost back upon Mr. Hayne. This is followed by his tribute to Nathan Dane, and by a denial that he, Mr. Webster, intended to attack the institution of slavery, though regarding it as "one of the greatest evils," referring, the while, to early legislation on this matter. He reverts to the Ordinance of 1787 and its exclusion of slavery from the Northwest Territory; then defends his own consistency and that of New England in regard to the public lands, and discusses at some length the policy of internal improvements and of national development, and shows that New England has supported measures favorable to the West. His own course in regard to the various tariffs next receives attention, but a willingness to drop this matter is plainly shown. As to charges against New England, he seeks to prove that such attitude as was open to criticism there, as well as elsewhere, was partisan rather than sectional. He denies the charge that he has attacked South Carolina, and proceeds to eulogize the memory of distinguished sons of that State. This portion of his speech is rounded out with the famous apostrophe to Massachusetts. From this point to the end he proclaims his defense of the Constitution, and traces the origin of our government and the source of its power, and contrasts the opposition in New England before and during the War of 1812 with the present attitude of South Carolina. He differentiates the power of the States and that of the Union; denies the competency of the States to decide the validity

of laws; portrays an hypothetical case of resistance by South Carolina, and its *modus operandi*. Then he exhibits the legitimate remedies for imperfections in the Constitution, but denies all right to nullify its provisions. In conclusion follow his exhortation for the preservation of the Union and the closing adjuration for Liberty *and* Union.

In this speech he carried out a threefold purpose: first, in a dignified and yet good-humored way, to turn aside Mr. Hayne's personalities from himself; second, to introduce a more serious note into his defense of the East; and, third, advancing to his highest position, to proclaim, as he had never done before, his full creed as to the powers of the Constitution. There are various legends in regard to the anxiety felt by his friends lest he did not fully realize the gravity of the task before him, knowing that it devolved upon him, with only slight preparation, to sustain an attack, carefully preconcerted, of which the gallant and impetuous Hayne represented only the vanguard. His preparation certainly was slight and the time short, but Mr. Webster, like most great men, was able to compensate for long inaction by incredible swiftness at a push. Even then he could not have compassed his purpose had not this tremendous effort been the successful birth of ideas which had long been gestating in his fertile and comprehensive intellect.

Mr. Hayne, on the other hand, seems to have relied on a few lines of thought, derived mainly from Burke's speeches, Mathew Carey's political writings, the reputed doings of the Hartford Convention, the familiar text of the Virginia and Kentucky Resolutions, and Mr. Jefferson's and Mr. Madison's views on the Constitution. The chief merit of Hayne's speech lies, then, in the great spirit, courage, and conviction of its author. There can be no fair contrast between these two speeches; it was a contest between a very able man and a preëminently great one.

The debate was held in the old senate chamber, afterward used by the Supreme Court. The memorable event

was made the subject of an historical painting, of heroic size, by Mr. George P. A. Healy, which now hangs in Faneuil Hall in Boston. Over one hundred faces are accurately represented in this impressive work.

In regard to the scene and the occasion much has been written, including several contemporary accounts, but the vivacious description by Charles W. March, in his "Daniel Webster and his Contemporaries," has come to be regarded as embodying, on the whole, the most graphic pen-picture extant. Certain portions of this description here follow, but it should be read in its entirety in Mr. March's volume.

"Those who had doubted Mr. Webster's ability to cope with and overcome his opponents were fully satisfied of their error before he had proceeded far in his speech. Their fears soon took another direction. When they heard his sentences of powerful thought, towering in accumulative grandeur one above the other, as if the orator strove, Titan-like, to reach the very heavens themselves, they were giddy with an apprehension that he would break down in his flight. They dared not believe that genius, learning, any intellectual endowment however uncommon, that was simply mortal, could sustain itself long in a career seemingly so perilous. They feared an Icarian fall.

"Ah! who can ever forget, that was present to hear, the tremendous, the awful burst of eloquence with which the orator spoke of the Old Bay State! or the tones of deep pathos in which the words were pronounced!

"What New England heart was there but throbbed with vehement, tumultuous, irrepressible emotion as he dwelt upon New England sufferings, New England struggles, and New England triumphs during the War of the Revolution? There was scarcely a dry eye in the Senate; all hearts were overcome; grave judges and men grown old in dignified life turned aside their heads to conceal the evidences of their emotion.

"In one corner of the gallery was clustered a group of

Massachusetts men. They had hung from the first moment upon the words of the speaker, with feelings variously but always warmly excited, deepening in intensity as he proceeded. At first, while the orator was going through his exordium, they held their breath and hid their faces, mindful of the savage attack upon him and New England, and the fearful odds against him, her champion; as he went deeper into his speech they felt easier; when he turned Hayne's flank on Banquo's ghost, they breathed freer and deeper. But now, as he alluded to Massachusetts, their feelings were strained to the highest tension; and when the orator, concluding his encomium upon the land of their birth, turned, intentionally or otherwise, his burning eye full upon them, they shed tears like girls!

"No one who was not present can understand the excitement of the scene. No one, who was, can give an adequate description of it. No word-painting can convey the deep, intense enthusiasm, the reverential attention, of that vast assembly, nor limner transfer to canvas their earnest, eager, awe-struck countenances. Though language were as subtile and flexible as thought, it still would be impossible to represent the full idea of the scene. There is something intangible in an emotion which cannot be transferred. The nicer shades of feeling elude pursuit. Every description, therefore, of the occasion seems to the narrator himself most tame, spiritless, unjust.

"Much of the instantaneous effect of the speech arose, of course, from the orator's delivery, — the tones of his voice, his countenance and manner.[1] These die mostly

[1] "The personal appearance of Mr. Webster has been a theme of frequent discussion. Time had not thinned nor bleached his hair: it was as dark as the raven's plumage, surmounting his massive brow in ample folds. His eyes, always dark and deep-set, enkindled by some glowing thought, shone from beneath his sombre, overhanging brow like lights, in the blackness of night, from a sepulchre. It was such a countenance as Salvator Rosa delighted to paint.

"No one understood, or understands, better than Mr. Webster the

with the occasion that calls them forth; the impression is lost in the attempt at transmission from one mind to another. They can only be described in general terms. 'Of the effectiveness of Mr. Webster's manner in many parts,' says Mr. Everett, 'it would be in vain to attempt to give any one not present the faintest idea. It has been my fortune to hear some of the ablest speeches of the greatest living orators on both sides of the water, but I must confess I never heard anything which so completely realized my conception of what Demosthenes was when he delivered the Oration for the Crown.'

"The exulting rush of feeling with which he went through the peroration threw a glow over his countenance like inspiration. Eye, brow, each feature, every line of the face, seemed touched as with a celestial fire. All gazed as at something more than human. So Moses might have appeared to the awe-struck Israelites as he emerged from the dark clouds and thick smoke of Sinai, his face all radiant with the breath of divinity!

"The swell and roll of his voice struck upon the ears of the spell-bound audience, in deep and melodious cadence, as waves upon the shore of the 'far-resounding' sea. The Miltonic grandeur of his words was the fit expression of his thought and raised his hearers up to his theme. His voice, exerted to its utmost power, penetrated every recess or corner of the Senate, — penetrated even the ante-rooms and stairways as he pronounced in deepest tones of pathos these words of solemn significance.

"The speech was over, but the tones of the orator still lingered upon the ear, and the audience, unconscious of the

philosophy of dress, — what a powerful auxiliary it is to speech and manner when harmonizing with them. On this occasion he appeared in a blue coat and buff vest, — the Revolutionary colors of buff and blue, — with a white cravat; a costume than which none is more becoming to his face and expression. This courtly particularity of dress adds no little to the influence of his manner and appearance." (March.)

close, retained their positions. The agitated countenance, the heaving breast, the suffused eye attested the continued influence of the spell upon them. Hands that in the excitement of the moment had sought each other, still remained closed in an unconscious grasp. Eye still turned to eye, to receive and repay mutual sympathy, and everywhere around seemed forgetfulness of all but the orator's presence and words.

"When the Vice-President, hastening to dissolve the spell, angrily called to order! order! there never was a deeper stillness — not a movement, not a gesture had been made, not a whisper uttered, — order! Silence could almost have heard itself, it was so supernaturally still. The feeling was too overpowering to allow expression by voice or hand. It was as if one was in a trance, all motion paralyzed.

"But the descending hammer of the Chair awoke them with a start, and with one universal, long-drawn, deep breath, with which the overcharged heart seeks relief, the crowded assembly broke up and departed."

The excitement which prevailed when it was known that Webster would reply to Hayne was not confined to Washington. According to an interesting tradition which is worth recalling though perhaps not accepting, the Providence papers showed the most enterprise. It was determined that if the weather was favorable, in addition to the relay of horses, the Providence papers were to take advantage of the quiet waters on Long Island Sound and place on board a steamer frames and cases and type and compositors. The water proved to be remarkably calm, and on arriving at Providence the speech was in type, set up on the passage, ready for proving and correcting, and of course was published in an "extra" immediately. Of this legend the editor finds no verification. It is probably a variant of a story told of Henry J. Raymond. In 1843 Raymond reported a speech by Webster, delivered at Boston in the

afternoon, and had the type set up on board the night boat for New York; the next morning the speech appeared in full in the "Tribune."

Mr. Hayne was in his thirty-ninth and Mr. Webster in his forty-ninth year at the time of the Great Debate. It is worthy of note that Webster calls his reply "No. 1 among my political efforts." ("Private Correspondence," ii. 415.)

SKETCH OF ROBERT YOUNG HAYNE.

Robert Young Hayne was born in St. Paul's parish, Colleton district, South Carolina, November 10, 1791; he died at Asheville, North Carolina, September 24, 1839, while attending a convention there, as president of the Cincinnati and Charleston Railroad.

His career was typical of the best sort of Southern men of his day, determined by a chivalrous love for his country and his State, and by unselfish efforts to further their best interests. Into the forty-eight years of his life was crowded a succession of demands upon his courage, prudence, and wisdom that severely tested his moral and intellectual resources, and to none of them did he fail to respond. Educated in Charleston, he afterward studied and practiced law there, having been admitted to the bar eight days before his twenty-first birthday. A well-known anecdote of Hayne gives a hint of at least one factor in the development of his character. Judge Cheves, with whom he studied law, being forced to abandon his legal practice upon his election to Congress, left his large business in the hands of this young pupil. When the latter expressed some doubt as to his ability to carry on so responsible a work, the judge said, "My young friend, never distrust yourself." Mr. Hayne is believed to have acted from that time upon this advice, and we may readily believe it; for only this self-confidence, — which was far removed from self-conceit, — combined with an unusually accurate knowledge of his own intellectual powers, could have carried him so well through emergencies which seldom come to any but the greatest men.

During the War of 1812 he served as captain in the

third South Carolina regiment, and at about this time he married Miss Frances Pinckney, who died in 1818. Miss Rebecca B. Alston became his wife two years later, and survived him. From 1814 to 1818 he was a member of the legislature of the State, and during the last year of that time he served as Speaker of the House. A characteristic story is that which relates his preparation for entering upon the duties of the last-named office. His election to the speakership was unexpected, and he felt his knowledge of parliamentary rules to be quite inadequate to the acceptable performance of the duties of the position. The House having adjourned on the first day of the session after its organization, Mr. Hayne borrowed from a friend a copy of Jefferson's "Manual" for the night, and the next day his ability as a presiding officer was unquestioned. General McDuffie quotes him as saying on this occasion, "I have always found that good sense and a firm purpose, with competent general education, qualify a man for anything."

From 1818 to 1823 he held the attorney-generalship of South Carolina, an office which he abandoned only to take his seat in the Senate of the United States. It was a peculiarly significant call at this crisis, when South Carolina was striving to defeat the purpose of Congress to impose a protective tariff. In common with the rest of the South, South Carolina believed that she could hope to avert this catastrophe only through the influence and eloquence of her ablest men. Hayne was barely old enough to take his seat, but from the first he ranged himself with the opposition to the tariff, and unhesitatingly and unremittingly denied the constitutional power of Congress to impose duties on imports for the purpose of protecting American manufactures.

Mr. Hayne's debate with Webster was his first important speech in the Senate. According to March, he had occasionally addressed the Senate, and displayed qualities of mind which seemed to justify all previous encomiums. He was, too, personally popular, — an advantage of no incon-

siderable nature in whatever contest or undertaking a man is engaged with his fellows. Colonel Hayne deserved his popularity. He had a courteous and frank address, conciliatory manners and deportment. He was high-minded and sincere; easy and agreeable in conversation; of great vivacity of intellect, and mercurial talent.

"Hayne dashed into debate, like the Mameluke cavalry upon a charge. There was a gallant air about him that could not but win admiration. He never provided for retreat; he never imagined it. He had an invincible confidence in himself, which arose partly from constitutional temperament, partly from previous success. . . . His oratory was graceful and persuasive. An impassioned manner, somewhat vehement at times, but rarely if ever extravagant; a voice well modulated and clear; a distinct though rapid enunciation; a confident but not often offensive address: these, accompanying and illustrating language well selected and periods well turned, made him a popular and effective speaker. . . .

"Colonel Hayne was, incontestably, the most formidable of Mr. Webster's opponents. He had more native and acquired ability than any of them. Such is the concurrent opinion of all who witnessed this great forensic contest; among others, of the Hon. Mr. Everett of Massachusetts." [1]

His speech, delivered January 9, 1832, in opposition to Clay's proposal that duties should be repealed on all imported articles which did not come into competition with American manufactures, contains strong arguments for free trade which have done duty ever since. Hayne's amendment to Clay's resolution provided for the reduction of duties to a revenue standard, "allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced within the United States." But the tariff act

[1] *Daniel Webster and his Contemporaries*, by C. W. March.

of 1832 was passed; and the legislature of South Carolina, in response to an appeal from Hayne and his fellow-congressmen, called a sovereign convention of the people, which, on November 24, 1832, adopted the Ordinance of Nullification, reported by Hayne as chairman of the committee of twenty-one.

Hayne resigned his seat in the Senate shortly afterward to take the governorship of South Carolina at a time when civil war seemed imminent if not inevitable. His belief in the justice of South Carolina's cause held him firmly to a purpose from the possible consequences of which his whole nature recoiled, but he saw no honorable alternative. He only affirmed that the United States must strike the first blow; then South Carolina would not flinch. During the interval between the passing of the Ordinance and Clay's consent to a compromise act which virtually granted Hayne's original demand, General Jackson issued his Nullification Proclamation, to which Hayne, at the request of the legislature, responded by a counter-proclamation. The compromise was accepted, and on March 11, 1833, South Carolina called another convention and repealed the Nullification Ordinance.

Hayne's term of office as governor expired in 1834, and he was then chosen the first mayor (intendant) of Charleston, an office which he administered with his usual energy and firmness. His natural business ability was unusual, and his varied experiences had strengthened his grasp in this direction, so that, having instigated and encouraged the formation of the Louisville, Cincinnati, and Charleston Railroad Company, he was naturally chosen as its president. This was in January, 1837, and he was forced to resign his position as mayor in order to accept it.

He became deeply interested in the growing problems of communication and transportation, and advocated, among other things, the establishment of direct commercial intercourse between the Southern ports and Europe; and it was

while devoting his organizing ability to the development of the material interests of the South that he was attacked by a bilious fever, from which he died after a ten days' illness. His body, temporarily interred at Asheville, was afterwards taken to Charleston.

Mr. Hayne's character was singularly harmonious. General George McDuffie in his "Eulogy upon the Life and Character of the late Robert Y. Hayne," delivered at the request of the citizens of Charleston, says: "It is not so much by any one faculty standing out in prominent relief, as by the admirable adjustment of all his moral and intel lectual qualities that he was distinguished from other men." He was not a great man, and yet he was not without some of the qualities of greatness. Like all versatile men he did many things well, but nothing supremely well. His gifts as a lawyer made him an admirable attorney-general; a certain innate quickness in grasping the essentials of a subject, and a naturally fluent and lucid speech easily gained him a high place as a parliamentary debater; his coolness and firmness at critical moments indicated him as a leader in troublous times; and his practical sense and judgment in business affairs rendered it difficult not to choose him to head a new and important enterprise of that nature. His uncompromising character stood out in violent contrast to Clay, who was, as Carl Schurz says, "a natural compromiser." And this was singularly noticeable at a time when compromise was almost the watchword of the hour. His enthusiasms, controlled in the main by the judgment of a disciplined mind, produced that balance which distinguishes the statesman from the politician.

He was, perhaps, one of the men to be loved rather than venerated, and the tribute of affection has been generously showered upon him and upon his memory.

SPEECH OF MR. HAYNE

IN THE SENATE, ON MR. FOOTE'S RESOLUTION,

THURSDAY, JANUARY 21, AND MONDAY, JANUARY 25, 1830.

WHEN I took occasion, Mr. President, two days 1
ago, to throw out some ideas with respect to the policy of the government in relation to the public lands, nothing certainly could have been further from my thoughts than that I should be compelled again to throw myself upon the indulgence of the Senate. Little did I expect to be called upon to meet such an argument as was yesterday urged by the gentleman from Massachusetts [Mr. Webster]. Sir, I questioned no man's opinions, I impeached no man's motives, I charged no party, or State, or section of country with hostility to any other; but ventured, I thought in a becoming spirit, to put forth my own sentiments in relation to a great national question of public policy. Such was my course. The gentleman from Missouri [Mr. Benton], it is true, had charged upon the Eastern States an early and continued hostility toward the West, and referred to a number of historical facts and documents in support of that charge. Now, sir, how have these different arguments been met? The honorable gentleman from Massachusetts, after deliberating a whole night upon his course, comes into this chamber to vindicate New England; and, instead of making up his issue with the gentleman from Missouri on the charges which he had preferred, chooses

to consider me as the author of those charges, and, losing sight entirely of that gentleman, selects me as his adversary and pours out all the vials of his mighty wrath upon my devoted head. Nor is he willing to stop there. He goes on to assail the institutions and policy of the South, and calls in question the principles and conduct of the State which I have the honor to represent. When I find a gentleman of mature age and experience, of acknowledged talents and profound sagacity, pursuing a course like this, declining the contest from the West and making war upon the unoffending South, I must believe, I am bound to believe, he has some object in view that he has not ventured to disclose. Mr. President, why is this? Has the gentleman discovered in former controversies with the gentleman from Missouri that he is overmatched by that Senator? And does he hope for an easy victory over a more feeble adversary? Has the gentleman's distempered fancy been disturbed by gloomy forebodings of "new alliances to be formed," at which he hinted? Has the ghost of the murdered Coalition[1] come back, like the ghost of Banquo, to "sear the eyeballs"[2] of the gentleman, and will it not "down at his bidding"? Are dark

[1] The coalition or bargain alleged to have been made between John Quincy Adams and Henry Clay, by which Adams was chosen to the presidency and Clay became Secretary of State. No one seriously believes this charge now, but it dogged the career of Clay, and was instrumental in keeping him from the presidency. Carl Schurz, in his *Henry Clay*, vol. i. (American Statesmen Series), tells the story concisely. Clay's duel with John Randolph arose from the charge of a combination preferred by the latter in his speech on the President's message in 1826.

[2] A reference to Shakespeare's *Macbeth*, act iv., scene 1, line 113.

visions of broken hopes and honors lost forever still floating before his heated imagination? Sir, if it be his object to thrust me between the gentleman from Missouri and himself, in order to rescue the East from the contest it has provoked with the West, he shall not be gratified. Sir, I will not be dragged into the defense of my friend from Missouri. The South shall not be forced into a conflict not its own. The gentleman from Missouri is able to fight his own battles. The gallant West needs no aid from the South to repel any attack which may be made on them from any quarter. Let the gentleman from Massachusetts controvert the facts and arguments of the gentleman from Missouri if he can; and if he win the victory, let him wear its honors; I shall not deprive him of his laurels.

The gentleman from Massachusetts, in reply to my remarks on the injurious operations of our land system on the prosperity of the West, pronounced an extravagant eulogium on the paternal care which the government had extended toward the West, to which he attributed all that was great and excellent in the present condition of the new States. The language of the gentleman on this topic fell upon my ears like the almost forgotten tones of the Tory leaders of the British Parliament at the commencement of the American Revolution. They, too, discovered that the colonies had grown great under the fostering care of the mother country; and I must confess, while listening to the gentleman, I thought the appropriate reply to his argument was to be found in the remark of a celebrated orator, made on that occasion: "They have grown great in spite of your protection." [1]

[1] This is an adaptation rather than a quotation from Colonel

The gentleman, in commenting on the policy of the government in relation to the new States, has introduced to our notice a certain Nathan Dane[1] of Massachusetts, to whom he attributes the celebrated Ordinance of '87,[2] by which he tells us "slavery was forever excluded from the new States north of the Ohio." After eulogizing the wisdom of this provision in terms of the most extravagant praise, he breaks forth in admiration of the greatness of Nathan Dane; and great indeed he must be, if it be true, as stated

Barré's speech on the Stamp Act, in the course of which he said, "They nourished by your indulgence! They grew by your neglect of them!"

[1] The animus shown by Hayne against Nathan Dane was due to the provision in the Ordinance of 1787 which excluded "slavery and involuntary servitude" from the Northwest Territory. Dane was the framer of this Ordinance. He held numerous public offices, but he is best remembered as founder of the Dane professorship in the Harvard Law School. On three several occasions he was employed by his native State on the revision of laws, charters, and statutes. His most important work is *A General Abridgment and Digest of American Law.* He was born in Ipswich, Massachusetts, in 1752, graduated at Harvard College in 1778, and received the degree of LL. D. from that institution. He died in Beverly in 1835. Dane's own view of the Ordinance of 1787 is given in a letter to Webster. (*Proceedings of Massachusetts Historical Society*, 1867–69, pp. 475–80.)

[2] "An ordinance for the government of the territory of the United States northwest of the river Ohio" was reported in 1787 to the Continental Congress. It provided, among other matters, for the immediate abolition of slavery in the Territory, wherein it differed from Jefferson's plan known as the Ordinance of 1784, which it largely followed. The reason for its adoption lay in the fact that, containing a provision for the return of fugitive slaves, it did not encounter Southern opposition. This territory included the area east of the Mississippi, west of Pennsylvania, and north of the Ohio River, ceded to Congress by Virginia, New York, Massachusetts, and Connecticut.

by the Senator from Massachusetts, that "he was greater than Solon and Lycurgus, Minos, Numa Pompilius, and all the legislators and philosophers of the world," ancient and modern.[1] Sir, to such high authority it is certainly my duty, in a becoming spirit of humility, to submit. And yet the gentleman will pardon me when I say that it is a little unfortunate for the fame of this great legislator that the gentleman from Missouri should have proved that he was not the author of the Ordinance of '87,[2] on which the Senator from Massachusetts has reared so glorious a monument to his name. Sir, I doubt not the Senator will feel some compassion for our ignorance when I tell him that so little are we acquainted with the modern great men of New England that, until he informed us yesterday that we possessed a Solon and a Lycurgus in the person of Nathan Dane, he was only known to the South as a member of a celebrated assembly called and known by the name of the "Hartford Convention." [3] In the proceedings of that assem-

[1] Webster, in his first speech on Foote's resolution (*Works*, 1853, vol. iii. p. 263), says: "We help to perpetuate the fame of Solon and Lycurgus; but I doubt whether one single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked, and lasting character."

[2] In answer to Benton on this matter, Webster said in his second speech, "It so happened that he [Dane] drew the Ordinance of 1787," — making no further defense of his assertion.

[3] Twenty-six representatives from Massachusetts, Connecticut, and Rhode Island, and from two counties in New Hampshire and one in Vermont, met at Hartford, Connecticut, on December 15, 1814, and adjourned January 5, 1815. This convention was an open expression of dissatisfaction on the part of the Federalists of New England with the War of 1812, in which that section of the country had taken little part. To this day an impression exists that the convention was treasonable in

bly, which I hold in my hand (at page 19),[1] will be found, in a few lines, the history of Nathan Dane; and a little further on there is conclusive evidence of that ardent devotion to the interest of the new States which, it seems, has given him a just claim to the title of "Father of the West." By the second resolution of the "Hartford Convention" it is declared "that it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States and admit them into this Union." So much for Nathan Dane of Beverly, Massachusetts.

In commenting upon my views in relation to the public lands, the gentleman insists that, it being one of the conditions of the grants that these lands should be applied to "the common benefit of all the States, they must always remain a fund for revenue;" and adds, "they must be treated as so much treasure." Sir, the gentleman could hardly find language strong enough to convey his disapprobation of the policy which I had ventured to recommend to the favorable consideration of the country. And what, sir, was that policy, and what is the difference between that gentleman and myself on this subject? I threw out the idea that the public lands ought not to be reserved forever as "a great fund for revenue;" that they ought not to be treated "as a great treasure;" but that the course of our policy should rather be directed toward the creation of new States, and building up great and flourishing communities.

its purposes, and intended to dissolve the Union. It is true that grievances were plainly expressed and changes urged in the Constitution. These changes were to be proposed by a convention of all the States, to which the Hartford Convention was preliminary.

[1] The reference is to Lyman's *Short Account of the Hartford Convention.*

Now, sir, will it be believed, by those who now hear me, and who listened to the gentleman's denunciation of my doctrines yesterday, that a book lay open before him, — nay, that he held it in his hand and read from it certain passages of his own speech delivered to the House of Representatives in 1825, in which speech he himself contended for the very doctrines I had advocated, and almost in the very same terms? Here is the speech of the Hon. Daniel Webster, contained in the first volume of Gales and Seaton's "Register of Debates" (page 251), delivered in the House of Representatives on the 18th of January, 1825, in a debate on the Cumberland Road,[1] — the very debate from which the Senator read yesterday. I shall read from the celebrated speech two passages from which it will appear that, both as to the past and the future policy of the government in relation to the public lands, the gentleman from Massachusetts maintained in 1825 substantially the same opinions which I have advanced, but which he now so strongly reprobates. I said, sir, that the system of credit sales by which the West had been kept constantly in debt to the United States, and by which their wealth was drained off to be expended elsewhere, had operated injuriously on their prosperity. On this point the gentleman from Massachusetts in January, 1825, expressed himself thus: "There could be no doubt, if gentlemen looked at the

[1] The Cumberland or National Road was first projected from Cumberland, Maryland, to the Ohio River, but was extended as far as Illinois. From 1806 to 1838, as many as sixty bills were passed regarding its establishment, maintenance, and extension, the total appropriations amounting to nearly $7,000,000. The constitutionality of an act of Congress thus to provide for an internal improvement was vigorously denied, and Monroe vetoed one bill in 1822 which provided for repairing the road.

money received into the Treasury from the sale of the public lands to the West, and then looked to the whole amount expended by government (even including the whole amount of what was laid out for the army), the latter must be allowed to be very inconsiderable, and there must be a constant drain of money from the West to pay for the public lands. It might indeed be said that this was no more than the refluence of capital which had previously gone over the mountains. Be it so. Still its practical effect was to produce inconvenience, if not distress, by absorbing the money of the people."

I contended that the public lands ought not to be treated merely as "a fund for revenue;" that they ought not to be hoarded "as a great treasure." On this point the Senator expressed himself thus: Government, he believed, had received eighteen or twenty millions of dollars from the public lands, and it was with the greatest satisfaction he adverted to the change which had been introduced in the mode of paying for them; yet he could never think the national domain was to be regarded as any great source of revenue. The great object of the government, in respect to these lands, was not so much the money derived from their sale as it was the getting them settled. What he meant to say was, he did not think they ought to hug that domain as a great treasure which was to enrich the exchequer.

Now, Mr. President, it will be seen that the very doctrines which the gentleman so indignantly abandons were urged by him in 1825; and if I had actually borrowed my sentiments from those which he then avowed, I could not have followed more closely in his footsteps. Sir, it is only since the gentleman

quoted this book, yesterday, that my attention has been turned to the sentiments he expressed in 1825; and if I had remembered them, I might possibly have been deterred from uttering sentiments here which, it might well be supposed, I had borrowed from that gentleman.

In 1825 the gentleman told the world that the public lands "ought not to be treated as a treasure." He now tells us that "they must be treated as so much treasure." What the deliberate opinion of the gentleman on this subject may be, belongs not to me to determine; but I do not think he can, with the shadow of justice or propriety, impugn my sentiments, while his own recorded opinions are identical with my own. When the gentleman refers to the conditions of the grants under which the United States have acquired these lands, and insists that, as they are declared to be "for the common benefit of all the States," they can only be treated as so much treasure, I think he has applied a rule of construction too narrow for the case. If, in the deeds of cession, it has been declared that the grants were intended "for the common benefit of all the States," it is clear, from other provisions, that they were not intended merely as so much property; for it is expressly declared that the object of the grants is the erection of new States; and the United States, in accepting this trust, bind themselves to facilitate the foundation of those States, to be admitted into the Union with all the rights and privileges of the original States.

This, sir, was the great end to which all parties looked, and it is by the fulfillment of this high trust that "the common benefit of all the States" is to be best promoted. Sir, let me tell the gentleman that in

the part of the country in which I live we do not measure political benefits by the money standard. We consider as more valuable than gold, liberty, principle, and justice. But, sir, if we are bound to act on the narrow principles contended for by the gentleman, I am wholly at a loss to conceive how he can reconcile his principles with his own practice. The lands are, it seems, to be treated "as so much treasure," and must be applied to the "common benefit of all the States." Now, if this be so, whence does he derive the right to appropriate them for partial and local objects? How can the gentleman consent to vote away immense bodies of these lands for canals in Indiana and Illinois, to the Louisville and Portland Canal,[1] to Kenyon College in Ohio, to schools for the deaf and dumb, and other objects of a similar description? If grants of this character can fairly be considered as made "for the common benefit of all the States," it can only be because all the States are interested in the welfare of each, — a principle which, carried to the full extent, destroys all distinction between local and national objects, and is certainly broad enough to embrace the principles for which I have ventured to contend. Sir, the true difference between us I take to be this: the gentleman wishes to treat the public lands as a great treasure, just as so much money in the treasury, to be applied to all objects, constitutional and unconstitutional, to which the public money is now constantly applied. I consider it as a sacred trust which we ought to fulfill on the principles for which I have contended.

The Senator from Massachusetts has thought proper to present, in strong contrast, the friendly feelings of

[1] Incorporated January 12, 1825.

the East toward the West, with sentiments of an opposite character displayed by the South in relation to appropriations for internal improvement. Now, sir, let it be recollected that the South have made no professions (I have certainly made none in their behalf) of regard for the West. It has been reserved to the gentleman from Massachusetts, while he vaunts his own personal devotion to Western interests, to claim for the entire section of country to which he belongs an ardent friendship for the West, as manifested by their support of the system of internal improvement, while he casts in our teeth the reproach that the South has manifested hostility to Western interests in opposing appropriations for such objects. That gentleman, at the same time, acknowledged that the South entertains constitutional scruples on this subject. Are we then, sir, to understand that the gentleman considers it a just subject of reproach that we respect our oaths by which we are bound "to preserve, protect, and defend the Constitution of the United States"? Would the gentleman have us manifest our love to the West by trampling under foot our constitutional scruples? Does he not perceive, if the South is to be reproached with unkindness to the West in voting against appropriations which the gentleman admits they could not vote for without doing violence to their constitutional opinions, that he exposes himself to the question whether, if he were in our situation, he could vote for these appropriations, regardless of his scruples? No, sir, I will not do the gentleman so great injustice. He has fallen into this error from not having duly weighed the force and effect of the reproach which he was endeavoring to cast upon the South. In relation to the other point, the friendship

manifested by New England toward the West in their support of the system of internal improvement, the gentleman will pardon me for saying that I think he is equally unfortunate in having introduced that topic. As that gentleman has forced it upon us, however, I cannot suffer it to pass unnoticed. When the gentleman tells us that the appropriations for internal improvement in the West would, in almost every instance, have failed but for the New England votes, he has forgotten to tell us the *when*, the *how*, and the *wherefore* this new-born zeal for the West sprung up in the bosom of New England. If we look back only a few years, we will find in both Houses of Congress a uniform and steady opposition on the part of the members from the Eastern States generally to all appropriations of this character. At the time I became a member of this House, and for some time afterwards, a decided majority of the New England Senators were opposed to the very measures which the Senator from Massachusetts tells us they now cordially support. Sir, the Journals are before me, and an examination of them will satisfy every gentleman of that fact.

It must be well known to every one whose experience dates back as far as 1825 that, up to a certain period, New England was generally opposed to appropriations for internal improvements in the West. The gentleman from Massachusetts may be himself an exception, but if he went for the system before 1825, it is certain that his colleagues did not go with him. In the session of 1824 and 1825, however (a memorable era in the history of this country), a wonderful change took place in New England in relation to Western interests. Sir, an extraordinary union of

sympathies and of interests was then effected, which brought the East and the West into close alliance. The book from which I have before read contains the first public annunciation of that happy reconciliation of conflicting interests, personal and political, which brought the East and West together, and locked in a fraternal embrace the two great orators[1] of the East and the West. Sir, it was on the 18th of January, 1825, while the result of the Presidential election, in the House of Representatives, was still doubtful, while the whole country was looking with intense anxiety to that legislative hall where the mighty drama was so soon to be acted, that we saw the leaders of two great parties in the House and in the nation "taking sweet counsel together," and in a celebrated debate on the Cumberland Road fighting side by side for Western interests. It was on that memorable occasion that the Senator from Massachusetts held out the white flag to the West, and uttered those liberal sentiments which he yesterday so indignantly repudiated. Then it was that that happy union between the members of the celebrated Coalition was consummated, whose immediate issue was a President from one quarter of the Union, with a succession (as it was supposed) secured to another. The "American System,"[2] before a rude, disjointed, and misshapened mass, now assumed form and consistency. Then it was that it became "the settled policy of the government" that this system should be so administered as to create a reciprocity of interests

[1] Clay and Webster.

[2] Henry Clay gave the name of "American System" to his plan of protection and internal improvement brought forward during the debates which preceded the passage of the tariff of 1824.

and a reciprocal distribution of government favors, East and West (the tariff and internal improvements), while the South — yes, sir, the impracticable South — was to be "out of your protection." The gentleman may boast as much as he pleases of the friendship of New England for the West, as displayed in their support of internal improvement; but, when he next introduces that topic, I trust that he will tell us when that friendship commenced, how it was brought about, and why it was established. Before I leave this topic I must be permitted to say that the true character of the policy now pursued by the gentleman from Massachusetts and his friends, in relation to appropriations of land and money for the benefit of the West, is in my estimation very similar to that pursued by Jacob of old toward his brother Esau: "it robs them of their birthright for a mess of pottage."

The gentleman from Massachusetts, in alluding to a remark of mine that, before any disposition could be made of the public lands, the national debt, for which they stand pledged, must be first paid, took occasion to intimate "that the extraordinary fervor which seems to exist in a certain quarter [meaning the South, sir], for the payment of the debt, arises from a disposition to weaken the ties which bind the people to the Union." While the gentleman deals us this blow, he professes an ardent desire to see the debt speedily extinguished. He must excuse me, however, for feeling some distrust on that subject until I find this disposition manifested by something stronger than professions. I shall look for acts, decided and unequivocal acts, for the performance of which an opportunity will very soon (if I am not greatly mistaken) be afforded. Sir, if I were at liberty to judge of the

course which that gentleman would pursue, from the principles which he has laid down in relation to this matter, I should be bound to conclude that he will be found acting with those with whom it is a darling object to prevent the payment of the public debt. He tells us he is desirous of paying the debt, "because we are under an obligation to discharge it." Now, sir, suppose it should happen that the public creditors, with whom we have contracted the obligation, should release us from it, so far as to declare their willingness to wait for payment for fifty years to come, provided only the interest shall be punctually discharged. The gentleman from Massachusetts will then be released from the obligation which now makes him desirous of paying the debt; and, let me tell the gentleman, the holders of the stock will not only release us from this obligation, but they will implore, nay, they will even pay us not to pay them. "But," adds the gentleman, "so far as the debt may have an effect in binding the debtors to the country, and thereby serving as a link to hold the States together, he would be glad that it should exist forever." Surely then, sir, on the gentleman's own principles, he must be opposed to the payment of the debt.

Sir, let me tell that gentleman that the South repudiates the idea that a pecuniary dependence on the federal government is one of the legitimate means of holding the States together. A moneyed interest in the government is essentially a base interest; and just so far as it operates to bind the feelings of those who are subjected to it to the government, — just so far as it operates in creating sympathies and interests that would not otherwise exist, — is it opposed to all

the principles of free government, and at war with virtue and patriotism. Sir, the link which binds the public creditors, as such, to their country, binds them equally to all governments, whether arbitrary or free. In a free government, this principle of abject dependence, if extended through all the ramifications of society, must be fatal to liberty. Already have we made alarming strides in that direction. The entire class of manufacturers, the holders of stocks, with their hundreds of millions of capital, are held to the government by the strong link of pecuniary interests; millions of people — entire sections of country, interested, or believing themselves to be so, in the public lands and the public treasure — are bound to the government by the expectation of pecuniary favors. If this system is carried much further, no man can fail to see that every generous motive of attachment to the country will be destroyed, and in its place will spring up those low, groveling, base, and selfish feelings which bind men to the footstool of a despot by bonds as strong and enduring as those which attach them to free institutions. Sir, I would lay the foundation of this government in the affections of the people. I would teach them to cling to it by dispensing equal justice and, above all, by securing the "blessings of liberty" to "themselves and to their posterity."

The honorable gentleman from Massachusetts has gone out of his way to pass a high eulogium on the State of Ohio. In the most impassioned tones of eloquence he described her majestic march to greatness. He told us that, having already left all the other States far behind, she was now passing by Virginia and Pennsylvania, and about to take her station by the

side of New York. To all this, sir, I was disposed most cordially to respond. When, however, the gentleman proceeded to contrast the State of Ohio with Kentucky, to the disadvantage of the latter, I listened to him with regret; and when he proceeded further to attribute the great and, as he supposed, acknowledged superiority of the former in population, wealth, and general prosperity to the policy of Nathan Dane of Massachusetts, which had secured to the people of Ohio (by the Ordinance of '87) a population of freemen, I will confess that my feelings suffered a revulsion which I am now unable to describe in any language sufficiently respectful toward the gentleman from Massachusetts. In contrasting the State of Ohio with Kentucky, for the purpose of pointing out the superiority of the former, and of attributing that superiority to the existence of slavery in the one State and its absence in the other, I thought I could discern the very spirit of the Missouri question [1] intruded

[1] The Missouri Compromise came about in the following manner: In the first session of the Sixteenth Congress the House passed a bill admitting Maine, but refused to admit Missouri as a slave State. In the Senate the Maine bill and another for the admission of Missouri with slavery were combined in one bill and passed, but this bill was rejected by the House. By means of a compromise effected by Clay and other moderate members, the Senate then allowed each State to be voted on separately, and the House agreed to permit slavery in Missouri. Then both Houses prohibited slavery north of 36° 30′, and Maine was admitted to the Union, while the formation of a State government in Missouri was authorized. In the second session of the Sixteenth Congress Missouri applied for admission, and the House rejected the application because a clause in the Constitution of Missouri prohibited the entrance of free negroes. On March 2, 1821, Clay managed to admit Missouri on the condition that it should never pass an act to interfere with the constitutional privileges of citizens of another State.

into this debate for objects best known to the gentleman himself. Did that gentleman, sir, when he formed the determination to cross the Southern border in order to invade the State of South Carolina, deem it prudent or necessary to enlist under his banners the prejudices of the world, which, like Swiss troops, may be engaged in any cause, and are prepared to serve under any leader? Did he desire to avail himself of those remorseless allies, the passions of mankind, of which it may be more truly said than of the savage tribes of the wilderness that their "known rule of warfare is an indiscriminate slaughter of all ages, sexes, and conditions"?[1] Or was it supposed, sir, that, in a premeditated and unprovoked attack upon the South, it was advisable to begin by a gentle admonition of our supposed weakness, in order to prevent us from making that firm and manly resistance due to our own character and our dearest interests? Was the significant hint of the weakness of slaveholding States, when contrasted with the superior strength of free States, — like the glare of the weapon half drawn from its scabbard, — intended to enforce the lessons of prudence and of patriotism which the gentleman had resolved, out of his abundant generosity, gratuitously to bestow upon us? Mr. President, the impression which has gone abroad of the weakness of the South, as connected with the slave question, exposes us to such constant attacks, has done us so much injury, and is calculated to produce such infinite mis-

[1] "He has excited domestic insurrection among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions" (Declaration of Independence).

chiefs, that I embrace the occasion presented by the remarks of the gentleman from Massachusetts to declare that we are ready to meet the question promptly and fearlessly. It is one from which we are not disposed to shrink, in whatever form or under whatever circumstances it may be pressed upon us.

We are ready to make up the issue with the gentleman as to the influence of slavery on individual and national character, — on the prosperity and greatness either of the United States or of particular States. Sir, when arraigned before the bar of public opinion on this charge of slavery, we can stand up with conscious rectitude, plead not guilty, and put ourselves upon God and our country. Sir, we will not consent to look at slavery in the abstract. We will not stop to inquire whether the black man, as some philosophers have contended, is of an inferior race, nor whether his color and condition are the effects of a curse inflicted for the offenses of his ancestors. We deal in no abstractions. We will not look back to inquire whether our fathers were guiltless in introducing slaves into this country. If an inquiry should ever be instituted into these matters, however, it will be found that the profits of the slave trade were not confined to the South. Southern ships and Southern sailors were not the instruments of bringing slaves to the shores of America, nor did our merchants reap the profits of that "accursed traffic." But, sir, we will pass over all this. If slavery, as it now exists in this country, be an evil, we of the present day found it ready made to our hands. Finding our lot cast among a people whom God had manifestly committed to our care, we did not sit down to speculate on abstract questions of theoretical liberty. We met it as a prac-

tical question of obligation and duty. We resolved to make the best of the situation in which Providence had placed us, and to fulfill the high trust which had devolved upon us as the owners of slaves, in the only way in which such a trust could be fulfilled without spreading misery and ruin throughout the land. We found that we had to deal with a people whose physical, moral, and intellectual habits and character totally disqualified them for the enjoyment of the blessings of freedom. We could not send them back to the shores from whence their fathers had been taken; their numbers forbade the thought, even if we did not know that their condition here is infinitely preferable to what it possibly could be among the barren sands and savage tribes of Africa; and it was wholly irreconcilable with all our notions of humanity to tear asunder the tender ties which they had formed among us, to gratify the feelings of a false philanthropy. What a commentary on the wisdom, justice, and humanity of the Southern slave-owner is presented by the example of certain benevolent associations and charitable individuals elsewhere! Shedding weak tears over sufferings which had existence only in their own sickly imaginations, these "friends of humanity" set themselves systematically to work to seduce the slaves of the South from their masters. By means of missionaries and political tracts, the scheme was in a great measure successful. Thousands of these deluded victims of fanaticism were seduced into the enjoyment of freedom in our Northern cities. And what has been the consequence? Go to these cities now and ask the question. Visit the dark and narrow lanes, and obscure recesses, which have been assigned by common consent as the abodes of those outcasts of the

world, the free people of color. Sir, there does not exist, on the face of the whole earth, a population so poor, so wretched, so vile, so loathsome, so utterly destitute of all the comforts, conveniences, and decencies of life, as the unfortunate blacks of Philadelphia, and New York, and Boston. Liberty has been to them the greatest of calamities, the heaviest of curses. Sir, I have had some opportunities of making comparison between the condition of the free negroes of the North and the slaves of the South, and the comparison has left not only an indelible impression of the superior advantages of the latter, but has gone far to reconcile me to slavery itself. Never have I felt so forcibly that touching description, "the foxes have holes, and the birds of the air have nests, but the Son of man hath not where to lay his head," as when I have seen this unhappy race, naked and houseless, almost starving in the streets, and abandoned by all the world. Sir, I have seen in the neighborhood of one of the most moral, religious, and refined cities of the North a family of free blacks driven to the caves of the rock, and there obtaining a precarious subsistence from charity and plunder.

When the gentleman from Massachusetts adopts and reiterates the old charge of weakness as resulting from slavery, I must be permitted to call for the proof of those blighting effects which he ascribes to its influence. I suspect that when the subject is closely examined, it will be found that there is not much force even in the plausible objection of the want of physical power in slaveholding States. The power of a country is compounded of its population and its wealth; and in modern times, where, from the very form and structure of society, by far the greater por-

tion of the people must, even during the continuance of the most desolating wars, be employed in the cultivation of the soil and other peaceful pursuits, it may be well doubted whether slaveholding States, by reason of the superior value of their productions, are not able to maintain a number of troops in the field fully equal to what could be supported by States with a larger white population but not possessed of equal resources.

It is a popular error to suppose that in any possible state of things the people of a country could ever be called out *en masse*, or that a half, or a third, or even a fifth part of the physical force of any country could ever be brought into the field. The difficulty is not to procure men, but to provide the means of maintaining them; and in this view of the subject it may be asked whether the Southern States are not a source of strength and power, and not of weakness, to the country, — whether they have not contributed and are not now contributing largely to the wealth and prosperity of every State in this Union. From a statement which I hold in my hand it appears that in ten years, from 1818 to 1827 inclusive, the whole amount of the domestic exports of the United States was $521,811,045; of which three articles (the product of slave labor), viz., cotton, rice, and tobacco, amounted to $339,203,232, equal to about two thirds of the whole. It is not true, as has been supposed, that the advantages of this labor are confined almost exclusively to the Southern States. Sir, I am thoroughly convinced that, at this time, the States north of the Potomac actually derive greater profits from the labor of our slaves than we do ourselves It appears from our public documents that in seven years, from 1821 to 1827 inclusive, the six Southern

States exported $190,337,281 and imported only $55,646,301. Now, the difference between these two sums (near $140,000,000) passed through the hands of the Northern merchants, and enabled them to carry on their commercial operations with all the world. Such part of these goods as found its way back to our hands came charged with the duties, as well as the profits, of the merchant, the shipowner, and a host of others, who found employment in carrying on these immense exchanges; and for such part as was consumed at the North we received in exchange Northern manufactures, charged with an increased price, to cover all the taxes which the Northern consumer has been compelled to pay on the imported article. It will be seen, therefore, at a glance, how much slave labor has contributed to the wealth and prosperity of the United States, and how largely our Northern brethren have participated in the profits of that labor. Sir, on this subject I will quote an authority which will, I doubt not, be considered by the Senator from Massachusetts as entitled to high respect. It is from the great father of the "American System," honest Mathew Carey, no great friend, it is true, at this time, to Southern rights and Southern interests, but not the worst authority, on that account, on the point in question.

Speaking of the relative importance to the Union of the Southern and the Eastern States, Mathew Carey, in the sixth edition of his "Olive Branch"[1] (page

[1] Mathew Carey was born in Ireland in 1760; obliged to fly to Paris on account of his political sympathies, he was befriended by Franklin. In 1784 he came to Philadelphia, where he became both a bookseller and a publisher. For six years he conducted *The American Museum*. His *Olive Branch*, which

278), after exhibiting a number of statistical tables to show the decided superiority of the former, thus proceeds: —

"But I am tired of this investigation. I sicken for the honor of the human species. What idea must the world form of the arrogance of the pretensions of the one side (the East), and, on the other, of the folly and weakness of the rest of the Union, to have so long suffered them to pass without exposure and detection? The naked fact is that the demagogues in the Eastern States, not satisfied with deriving all the benefit from the Southern section of the Union that they would from so many wealthy colonies, — with making princely fortunes by the carriage and exportation of its bulky and valuable productions, and supplying it with their own manufactures and the productions of Europe and the East and West Indies, to an enormous amount and at an immense profit, — have uniformly treated it with outrage, insult, and injury. And, regardless of their vital interests, the Eastern States were lately courting their own destruction by allowing a few restless, turbulent men to lead them blindfolded to a separation which was pregnant with their certain ruin. Whenever that event takes place, they sink to their native insignificance. If a separation were desirable to any part of the Union, it would be to the Middle and Southern States, particularly the latter, who have been so long harassed with the complaints, the restlessness, the turbulence, and the ingratitude

appeared first in 1814, was meant to produce a spirit of political harmony during the conduct of the War of 1812. It is full of information industriously brought together. Carey is best remembered for his zeal in promoting the cause of protection to American industries. He died in 1839.

of the Eastern States, that their patience has been tried almost beyond endurance. 'Jeshurun waxed fat, and kicked.'[1] And he will be severely punished for his kicking in the event of a dissolution of the Union."

Sir, I wish it to be distinctly understood that I do not adopt these sentiments as my own. I quote them to show that very different sentiments have prevailed in former times as to the weakness of the slaveholding States from those which now seem to have become fashionable in certain quarters. I know it has been supposed by certain ill-informed persons that the South exists only by the countenance and protection of the North. Sir, this is the idlest of all idle and ridiculous fancies that ever entered into the mind of man. In every State of this Union, except one, the free white population actually preponderates; while in the British West India Islands (where the average white population is less than ten per cent of the whole) the slaves are kept in entire subjection, it is preposterous to suppose that the Southern States could ever find the smallest difficulty in this respect. On this subject, as on all others, we ask nothing of our Northern brethren but to "let us alone." Leave us to the undisturbed management of our domestic concerns, and the direction of our own industry, and we will ask no more. Sir, all our difficulties on this subject have arisen from interference from abroad which has disturbed and may again disturb our domestic tranquillity just so far as to bring down punishment upon the heads of the unfortunate victims of a fanatical and mistaken humanity.

There is a spirit which, like the father of evil, is

[1] See Deuteronomy xxxii. 15.

constantly "walking to and fro about the earth, seeking whom it may devour;" it is the spirit of False Philanthropy. The persons whom it possesses do not indeed throw themselves into the flames, but they are employed in lighting up the torches of discord throughout the community. Their first principle of action is to leave their own affairs, and neglect their own duties, to regulate the affairs and duties of others. Theirs is the task to feed the hungry and clothe the naked of other lands, while they thrust the naked, famished, and shivering beggar from their own doors; to instruct the heathen, while their own children want the bread of life. When this spirit infuses itself into the bosom of a statesman (if one so possessed can be called a statesman), it converts him at once into a visionary enthusiast. Then it is that he indulges in golden dreams of national greatness and prosperity. He discovers that "liberty is power," and not content with vast schemes of improvement at home, which it would bankrupt the treasury of the world to execute, he flies to foreign lands to fulfill obligations to "the human race" by inculcating the principles of "political and religious liberty," and promoting the "general welfare" of the whole human race. It is a spirit which has long been busy with the slaves of the South, and is even now displaying itself in vain efforts to drive the government from its wise policy in relation to the Indians. It is this spirit which has filled the land with thousands of wild and visionary projects, which can have no effect but to waste the energies and dissipate the resources of the country. It is the spirit of which the aspiring politician dexterously avails himself when, by inscribing on his banner the magical words Liberty and Philanthropy, he draws to his sup-

port that entire class of persons who are ready to bow down to the very names of their idols.

But, sir, whatever difference of opinion may exist as to the effect of slavery on national wealth and prosperity, if we may trust to experience, there can be no doubt that it has never yet produced any injurious effect on individual or national character. Look through the whole history of the country, from the commencement of the Revolution down to the present hour; where are there to be found brighter examples of intellectual and moral greatness than have been exhibited by the sons of the South? From the Father of his Country down to the distinguished chieftain who has been elevated by a grateful people to the highest office in their gift, the interval is filled up by a long line of orators, of statesmen, and of heroes, justly entitled to rank among the ornaments of their country and the benefactors of mankind. Look at the Old Dominion, great and magnanimous Virginia, "whose jewels are her sons." Is there any State in this Union which has contributed so much to the honor and welfare of the country? Sir, I will yield the whole question; I will acknowledge the fatal effects of slavery upon character, if any one can say that for noble disinterestedness, ardent love of country, exalted virtue, and a pure and holy devotion to liberty, the people of the Southern States have ever been surpassed by any in the world. I know, sir, that this devotion to liberty has sometimes been supposed to be at war with our institutions; but it is in some degree the result of those very institutions. Burke, the most philosophical of statesmen, as he was the most accomplished of orators, well understood the operation of this principle in elevating the sentiments and exalting the principles of

the people in slaveholding States. I will conclude my remarks on this branch of the subject by reading a few passages from his speech "On moving his resolutions for conciliation with the Colonies," the 22d of March, 1775: —

"There is a circumstance attending these [the Southern] colonies which . . . makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks amongst them like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so, and these people of the Southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible." [1]

[1] From Burke's speech on Conciliation with the Colonies, March 22, 1775. (See *Riverside Literature Series*, No. 100, p. 25.)

In the course of my former remarks,[1] Mr. President, I took occasion to deprecate, as one of the greatest evils, *the consolidation of this government.* The gentleman takes alarm at the sound. "Consolidation," like the tariff, grates upon his ear. He tells us "we have heard much of late about consolidation; that it is the rallying word for all who are endeavoring to weaken the Union by adding to the power of the States." But consolidation (says the gentleman) was the very object for which the Union was formed; and, in support of that opinion, he read a passage from the address of the President of the Convention to Congress, which he assumes to be an authority on his side of the question. But, sir, the gentleman is mistaken. The object of the framers of the Constitution, as disclosed in that address, was not the consolidation of the government, but "the consolidation of the Union." It was not to draw power from the States in order to transfer it to a great national government, but, in the language of the Constitution itself, "to form a more perfect Union," — and by what means? By "establishing justice, promoting domestic tranquillity, and securing the blessings of liberty to ourselves and our posterity." This is the true reading of the Constitution. But, according to the gentleman's reading, the object of the Constitution was to consolidate the government, and the means would seem to be, the promotion of injustice, causing domestic discord, and depriving the States and the people of "the blessings of liberty" forever.

[1] It is possible that at this point Mr. Hayne took up his speech on January 25, where he had left it on the 21st; the *National Intelligencer* makes this division in its issues of February 15 and 16, in which the entire speech is printed.

The gentleman boasts of belonging to the party of National Republicans. National Republicans! A new name, sir, for a very old thing. The National Republicans of the present day were the Federalists of '98, who became Federal Republicans during the War of 1812, and were manufactured into National Republicans somewhere about the year 1825. As a party (by whatever name distinguished) they have always been animated by the same principles, and have kept steadily in view a common object, the consolidation of the government. Sir, the party to which I am proud of having belonged, from the very commencement of my political life to the present day, were the Democrats of '98 (Anarchists, Anti-Federalists, Revolutionists, I think they were sometimes called). They assumed the name of Democratic Republicans in 1812,[1] and have retained their name and principles up to the present hour. True to their political faith, they have always, as a party, been in favor of limitations of power; they have insisted that all powers not delegated to the federal government are reserved, and have been constantly struggling, as they now are, to preserve the rights of the States, and to prevent them from being drawn into the vortex, and swallowed up by one great consolidated government.

Sir, any one acquainted with the history of parties in this country will recognize in the points now in dispute between the Senator from Massachusetts and myself the very grounds which have, from the beginning, divided the two great parties in this country,

[1] "About this time [1792, the Anti-Federalists] adopted the name Democratic-Republican. . . . This has always been the official party title." (Johnston's *History of American Politics.*)

and which (call those parties by what names you will, and amalgamate them as you may) will divide them forever. The true distinction between these parties is laid down in a celebrated manifesto, issued by the Convention of the Federalists of Massachusetts, assembled in Boston in February, 1824, on the occasion of organizing a party opposition to the reëlection of Governor Eustis.[1] The gentleman will recognize this as "the canonical book of political scripture;" and it instructs us that, "when the American Colonies redeemed themselves from British bondage, and became so many independent nations, they proposed to form a national Union (not a federal Union, sir, but a national Union). Those who were in favor of a union of the States in this form became known by the name of Federalists; those who wanted no union of the States, or disliked the proposed form of union, became known by the name of Anti-Federalists. By means which need not be enumerated, the Anti-Federalists became (after the expiration of twelve years) our national rulers, and for a period of sixteen years, until the close of Mr. Madison's administration in 1817, continued to exercise the exclusive direction of our public affairs." Here, sir, is the true history of the origin, rise, and progress of the party of National Republicans, who date back to the very origin of the government, and who then, as now, chose to consider the Constitution as having created not a federal but a national Union; who regarded "consolidation" as no evil, and who doubtless consider it a "consummation

[1] William Eustis was elected Governor of Massachusetts in 1823 as the candidate of the Democratic-Republican party. Practically, the Federalist party at the time of his election had ceased to exist.

devoutly to be wished" to build up a great "central government," "one and indivisible." Sir, there have existed in every age and every country two distinct orders of men, — the lovers of freedom, and the devoted advocates of power.

The same great leading principles, modified only by peculiarities of manners, habits, and institutions, divided parties in the ancient republics, animated the Whigs and Tories of Great Britain, distinguished in our own times the Liberals and Ultras of France, and may be traced even in the bloody struggles of unhappy Spain. Sir, when the gallant Riego,[1] who devoted himself and all that he possessed to the liberties of his country, was dragged to the scaffold, followed by the tears and lamentations of every lover of freedom throughout the world, he perished amid the deafening cries of "Long live the absolute king!" The people whom I represent, Mr. President, are the descendants of those who brought with them to this country, as the most precious of their possessions, "an ardent love of liberty;" and while that shall be preserved, they will always be found manfully struggling against the consolidation of the government AS THE WORST OF EVILS.

The Senator from Massachusetts, in alluding to the tariff, becomes quite facetious. He tells us that "he hears of nothing but tariff, tariff, tariff; and, if a word could be found to rhyme with it, he presumes it would be celebrated in verse and set to music." Sir, perhaps the gentleman, in mockery of our complaints, may be himself disposed to sing the praises of the tariff, in doggerel verse, to the tune of "Old Hun-

[1] Riego was executed as a traitor in 1823. He had fought against Napoleon, and led the revolt in southern Spain in 1820.

dred." I am not at all surprised, however, at the aversion of the gentleman to the very name of tariff. I doubt not that it must always bring up some very unpleasant recollections to his mind. If I am not greatly mistaken, the Senator from Massachusetts was a leading actor at a great meeting got up in Boston in 1820 against the tariff. It has generally been supposed that he drew up the resolutions adopted by that meeting, denouncing the tariff system as unequal, oppressive, and unjust, and, if I am not much mistaken, denying its constitutionality. Certain it is that the gentleman made a speech on that occasion in support of those resolutions, denouncing the system in no very measured terms, and, if my memory serves me, calling its constitutionality in question. I regret that I have not been able to lay my hands on those proceedings; but I have seen them, and cannot be mistaken in their character. At that time, sir, the Senator from Massachusetts entertained the very sentiments in relation to the tariff which the South now entertains. We next find the Senator from Massachusetts expressing his opinion on the tariff as a member of the House of Representatives from the city of Boston, in 1824. On that occasion, sir, the gentleman assumed a position which commanded the respect and admiration of his country. He stood forth the powerful and fearless champion of free trade. He met, in that conflict, the advocates of restriction and monopoly, and they "fled from before his face." With a profound sagacity, a fullness of knowledge, and a richness of illustration that have never been surpassed, he maintained and established the principles of commercial freedom on a foundation never to be shaken. Great indeed was the victory achieved by the gentle-

man on that occasion; most striking the contrast between the clear, forcible, and convincing arguments by which he carried away the understandings of his hearers, and the narrow views and wretched sophistry of another distinguished orator, who may be truly said to have held up his "farthing candle to the sun." [1]

Sir, the Senator from Massachusetts, on that, the proudest day of his life, like a mighty giant, bore away upon his shoulders the pillars of the temple of error and delusion, escaping himself unhurt, and leaving his adversaries overwhelmed in its ruins. Then it was that he erected to free trade a beautiful and enduring monument, and "inscribed the marble with his name." Mr. President, it is with pain and regret that I now go forward to the next great era in the political life of that gentleman, when he was found on this floor supporting, advocating, and finally voting for the Tariff of 1828, — that "bill of abominations." [2] By that act, sir, the Senator from Massachusetts has destroyed the labors of his whole life, and given a wound to the cause of free trade never to be healed. Sir, when I recollect the position which the gentleman once occupied, and that which he now holds in public estimation, in relation to this subject, it is not at all surprising that the tariff should be hateful to his ears. Sir, if I had erected to my own fame so proud a monument as that which the gentleman built up in 1824,

[1] Young's *Love of Fame*, Satire VII.

[2] The Tariff of 1828, called the Tariff of Abominations, because of the excessive duties, particularly on wool (70 per cent) and hemp ($60 a ton). Its purpose was twofold, — to aid Western growers and to aim a blow at Adams. Of this tariff John Randolph said: "The bill referred to manufactures of no sort or kind except the manufacture of a President of the United States."

and I could have been tempted to destroy it with my own hands, I should hate the voice that should ring "the accursed tariff" in my ears. I doubt not the gentleman feels very much, in relation to the tariff, as a certain knight did to "instinct," and with him would be disposed to exclaim,

"Ah, no more of that, Hal, an thou lovest me!" [1]

But, Mr. President, to be serious, what are we of the South to think of what we have heard this day? The Senator from Massachusetts tells us that the tariff is not an Eastern measure, and treats it as if the East had no interest in it. The Senator from Missouri insists it is not a Western measure, and that it has done no good to the West. The South comes in, and, in the most earnest manner, represents to you that this measure, which we are told "is of no value to the East or the West," is "utterly destructive of our interests." We represent to you that it has spread ruin and devastation through the land, and prostrated our hopes in the dust. We solemnly declare that we believe the system to be wholly unconstitutional, and a violation of the compact between the States and the Union; and our brethren turn a deaf ear to our complaints, and refuse to relieve us from a system "which not enriches them, but makes us poor indeed." Good God! Mr. President, has it come to this? Do gentlemen hold the feelings and wishes of their brethren at so cheap a rate that they refuse to gratify them at so small a price? Do gentlemen value so lightly the peace and harmony of the country that they will not yield a measure of this description to the affectionate entreaties and earnest remonstrances of their friends? Do gentlemen estimate the value of the Union at so

[1] See Shakespeare's *Henry IV.*, First Part, act ii. scene 4.

low a price that they will not even make one effort to bind the States together with the cords of affection? And has it come to this? Is this the spirit in which this government is to be administered? If so, let me tell gentlemen, the seeds of dissolution are already sown, and our children will reap the bitter fruit.

The honorable gentleman from Massachusetts [Mr. Webster], while he exonerates me personally from the charge, intimates that there is a party in the country who are looking to disunion. Sir, if the gentleman had stopped there, the accusation would have "passed by me as the idle wind, which I regard not."[1] But when he goes on to give to his accusation a local habitation and a name by quoting the expression of a distinguished citizen of South Carolina [Dr. Cooper], "that it was time for the South to calculate the value of the Union," and in the language of the bitterest sarcasm adds, "Surely, then, the Union cannot last longer than July, 1831," it is impossible to mistake either the allusion or the object of the gentleman. Now, Mr. President, I call upon every one who hears me to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember that, at the time this unprovoked and uncalled-for attack was made upon the South, not one word had been uttered by me in disparagement of New England; nor had I made the most distant allusion either to the Senator from Massachusetts or the State he represents. But, sir, that gentleman has thought proper, for purposes best known to himself, to strike the South, through me, the most unworthy of her servants. He has crossed the border, he has invaded the

[1] An inexact quotation from Shakespeare's *Julius Cæsar*, act iv. scene 3.

State of South Carolina, is making war upon her citizens, and endeavoring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold; I will struggle, while I have life, for our altars and our firesides; and, if God gives me strength, I will drive back the invader discomfited. Nor shall I stop there. If the gentleman provokes the war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemy's territory, and not consent to lay down my arms until I shall have obtained "indemnity for the past and security for the future." It is with unfeigned reluctance, Mr. President, that I enter upon the performance of this part of my duty; I shrink almost instinctively from a course, however necessary, which may have a tendency to excite sectional feelings and sectional jealousies. But, sir, the task has been forced upon me; and I proceed right onward to the performance of my duty. Be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone; and if he shall find, according to a homely adage, that "he lives in a glass house," on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honor of South Carolina; of that my constituents shall judge. If there be one State in the Union, Mr. President (and I say it not in a boastful spirit), that may challenge comparison with any other for a uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution up to this hour,

there is no sacrifice, however great, she has not cheerfully made, no service she has ever hesitated to perform. She has adhered to you in your prosperity; but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded with difficulties, the call of the country has been to her as the voice of God. Domestic discord ceased at the sound; every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together to the temple, bringing their gifts to the altar of their common country.

What, sir, was the conduct of the South during the Revolution? Sir, I honor New England for her conduct in that glorious struggle. But great as is the praise which belongs to her, I think at least equal honor is due to the South. They espoused the quarrel of their brethren with a generous zeal, which did not suffer them to stop to calculate their interest in the dispute. Favorites of the mother country, possessed of neither ships nor seamen to create a commercial rivalship, they might have found in their situation a guaranty that their trade would be forever fostered and protected by Great Britain. But, trampling on all considerations either of interest or of safety, they rushed into the conflict, and, fighting for principle, periled all in the sacred cause of freedom. Never were there exhibited in the history of the world higher examples of noble daring, dreadful suffering, and heroic endurance than by the Whigs of Carolina during the Revolution. The whole State, from the mountains to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the

spot where they were produced, or were consumed by the foe. The "plains of Carolina" drank up the most precious blood of her citizens. Black and smoking ruins marked the places where had been the habitations of her children. Driven from their homes into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina (sustained by the example of her Sumters[1] and her Marions[2]) proved by her conduct that, though her soil might be overrun, the spirit of her people was invincible.

But, sir, our country was soon called upon to engage in another revolutionary struggle, and that too was a struggle for principle. I mean the political revolution which dates back to '98,[3] and which, if it had not been successfully achieved, would have left us none of the fruits of the Revolution of '76. The revolution of '98 restored the Constitution, rescued the liberty of the citizen from the grasp of those who were aiming at its life, and, in the emphatic language of Mr. Jefferson, "saved the Constitution at its last gasp." And by whom was it achieved? By the South, sir, aided only by the democracy of the North and West.

[1] Thomas Sumter, an American general, was active in the Southern campaigns during the Revolution. He had two severe encounters with Colonel Tarleton, in which he was once successful and once defeated.

[2] Francis Marion, a colonel during the American Revolution, was conspicuous in the manœuvres around Charleston, and afterwards organized a brigade famous for the swiftness of its movements.

[3] The reference is to the revolt against the Alien and Sedition laws, which expressed itself through the Kentucky and Virginia Resolutions of 1798, and resulted in the defeat of the Federalist party and the election of Jefferson in 1801.

I come now to the War of 1812, a war which I well remember was called in derision (while its event was doubtful) the Southern war, and sometimes the Carolina war, but which is now universally acknowledged to have done more for the honor and prosperity of the country than all other events in our history put together. What, sir, were the objects of that war? "Free trade and sailors' rights!" It was for the protection of Northern shipping and New England seamen that the country flew to arms. What interest had the South in that contest? If they had sat down coolly to calculate the value of their interests involved in it, they would have found that they had everything to lose and nothing to gain. But, sir, with that generous devotion to country so characteristic of the South, they only asked if the rights of any portion of their fellow citizens had been invaded; and when told that Northern ships and New England seamen had been arrested on the common highway of nations, they felt that the honor of their country was assailed; and, acting on that exalted sentiment "which feels a stain like a wound," they resolved to seek, in open war, for a redress of those injuries which it did not become freemen to endure. Sir, the whole South, animated as by a common impulse, cordially united in declaring and promoting that war. South Carolina sent to your councils, as the advocates and supporters of that war, the noblest of her sons. How they fulfilled that trust, let a grateful country tell. Not a measure was adopted, not a battle fought, not a victory won, which contributed in any degree to the success of that war, to which Southern councils and Southern valor did not largely contribute. Sir, since South Carolina is assailed, I must be suffered to speak

it to her praise that, at the very moment when in one quarter we heard it solemnly proclaimed "that it did not become a religious and moral people to rejoice at the victories of our army or our navy," her Legislature unanimously

"*Resolved*, That we will cordially support the government in the vigorous prosecution of the war until a peace can be obtained on honorable terms, and we will cheerfully submit to every privation that may be required of us by our government for the accomplishment of this object."

South Carolina redeemed that pledge. She threw open her treasury to the government. She put at the absolute disposal of the officers of the United States all that she possessed, — her men, her money, and her arms. She appropriated half a million of dollars, on her own account, in defense of her maritime frontier; ordered a brigade of State troops to be raised; and, when left to protect herself by her own means, never suffered the enemy to touch her soil without being instantly driven off or captured.

Such, sir, was the conduct of the South — such the conduct of my own State — in that dark hour "which tried men's souls."

When I look back and contemplate the spectacle exhibited at that time in another quarter of the Union, when I think of the conduct of certain portions of New England, and remember the part which was acted on that memorable occasion by the political associates of the gentleman from Massachusetts, — nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war, — I am indeed astonished that he should venture to touch upon the topics which he

has introduced into this debate. South Carolina reproached by Massachusetts! And from whom does the accusation come? Not from the democracy of New England; for they have been in times past, as they are now, the friends and allies of the South. No, sir, the accusation comes from that party whose acts during the most trying and eventful period of our national history were of such a character that their own Legislature, but a few years ago, actually blotted them out from their records as a stain upon the honor of the country. But how can they ever be blotted out from the recollection of any one who had a heart to feel, a mind to comprehend, and a memory to retain the events of that day? Sir, I shall not attempt to write the history of the party in New England to which I have alluded, — the war party in peace, and the peace party in war. That task I shall leave to some future biographer of Nathan Dane, and I doubt not it will be found quite easy to prove that the peace party of Massachusetts were the only defenders of their country during the war, and actually achieved all our victories by land and sea. In the meantime, sir, and until that history shall be written, I propose, with the feeble and glimmering lights which I possess, to review the conduct of this party, in connection with the war and the events which immediately preceded it.

It will be recollected, sir, that our great causes of quarrel with Great Britain were her depredations on Northern commerce, and the impressment of New England seamen. From every quarter we are called upon for protection. Importunate as the West is now represented to be on another subject, the importunity of the East on that occasion was far greater. I hold

in my hands the evidence of the fact. Here are petitions, memorials, and remonstrances from all parts of New England, setting forth the injustice, the oppressions, the depredations, the insults, the outrages committed by Great Britain against the unoffending commerce and seamen of New England, and calling upon Congress for redress. Sir, I cannot stop to read these memorials. In that from Boston, after stating the alarming and extensive condemnation of our vessels by Great Britain which threatened "to sweep our commerce from the face of the ocean," and "to involve our merchants in bankruptcy," they call upon the government "to assert our rights, and to adopt such measures as will support the dignity and honor of the United States."

From Salem we heard a language still more decisive; they call explicitly for "an appeal to arms," and pledge their lives and property in support of any measures which Congress might adopt. From Newburyport an appeal was made "to the firmness and justice of the government to obtain compensation and protection." It was here, I think, that, when the war was declared, it was resolved "to resist our own government even unto blood." (Olive Branch, page 101.)

In other quarters the common language of that day was that our commerce and our seamen were entitled to protection, and that it was the duty of the government to afford it at every hazard. The conduct of Great Britain, we were then told, was "an outrage upon our National Independence." These clamors, which commenced as early as January, 1806, were continued up to 1812. In a message from the governor of one of the New England States,[1] as late

[1] Roger Griswold, Governor of Connecticut.

as the 10th of October, 1811, this language is held: "A manly and decisive course has become indispensable; a course to satisfy foreign nations that, while we desire peace, we have the means and the spirit to repel aggression. We are false to ourselves when our commerce or our territory is invaded with impunity."

About this time, however, a remarkable change was observable in the tone and temper of those who had been endeavoring to force the country into a war. The language of complaint was changed into that of insult, and calls for protection converted into reproaches. "Smoke, smoke!" says one writer;[1] "my life on it, our Executive have no more idea of declaring war than my grandmother." "The Committee of Ways and Means," says another, "have come out with their Pandora's Box[2] of taxes, and yet nobody dreams of war." "Congress do not mean to declare war; they dare not." But why multiply examples? An honorable member of the other House, from the city of Boston (Mr. Quincy[3]), in a speech delivered on the 3d of April, 1812, says, "Neither promises, nor threats, nor asseverations, nor oaths will make me believe that you will go to war.

[1] In the (Boston) *Repertory*, January 9, 1810.

[2] Pandora (all-gifted), the wife of Epimetheus, brother of Prometheus. Out of curiosity she opened a box and loosed therefrom the evils henceforth to afflict the human race, retaining only Hope. According to the Greeks, she was the first woman; her resemblance to Eve is obvious.

[3] Josiah Quincy (1772–1864) was Mayor of Boston from 1823 to 1828, his conspicuous services in that office causing him to be remembered as the "Great Mayor." From 1829 to 1845 he was President of Harvard College. His Life by his son Edmund is one of the worthiest of American biographies.

The navigation States are sacrificed, and the spirit and character of the country prostrated by fear and avarice." "You cannot," said the same gentleman on another occasion, "be kicked into a war."

Well, sir, the war at length came, and what did we behold? The very men who had been for six years clamorous for war, and for whose protection it was waged, became at once equally clamorous against it. They had received a miraculous visitation; a new light suddenly beamed upon their minds, the scales fell from their eyes, and it was discovered that the war was declared from "subserviency to France," and that Congress and the Executive "had sold themselves to Napoleon;" that Great Britain had in fact "done us no essential injury;" that she was "the bulwark of our religion;" that where "she took one of our ships, she protected twenty;" and that, if Great Britain had impressed a few of our seamen, it was because "she could not distinguish them from her own." And so far did this spirit extend that a committee of the Massachusetts Legislature actually fell to calculation, and discovered, to their infinite satisfaction, but to the astonishment of all the world beside, that only eleven Massachusetts sailors had ever been impressed. Never shall I forget the appeals that had been made to the sympathies of the South in behalf of the "thousands of impressed Americans" who had been torn from their families and friends, and "immured in the floating dungeons of Britain." The most touching pictures were drawn of the hard condition of the American sailor, "treated like a slave," forced to fight the battles of his enemy, "lashed to the mast to be shot at like a dog." But, sir, the very moment we had taken up arms in their defense, it was

discovered that all these were mere "fictions of the brain;" and that the whole number in the State of Massachusetts was but eleven, and that even these had been "taken by mistake." Wonderful discovery! The Secretary of State had collected authentic lists of no less than six thousand impressed Americans. Lord Castlereagh[1] himself acknowledged sixteen hundred. Calculations on the basis of the number found on board of the Guerrière, the Macedonian, the Java, and other British ships (captured by the skill and gallantry of those heroes whose achievements are the treasured monuments of their country's glory), fixed the number at seven thousand; and yet it seems Massachusetts had lost but eleven! Eleven Massachusetts sailors taken by mistake! A cause of war indeed! Their ships, too, the capture of which had threatened "universal bankruptcy:" it was discovered that Great Britain was their friend and protector; "where she had taken one, she had protected twenty!" Then was the discovery made that subserviency to France, hostility to commerce, "a determination on the part of the South and the West to break down the Eastern States," and especially (as reported by a committee of the Massachusetts Legislature) "to force the sons of commerce to populate the wilderness," were the true causes of the war. (Olive Branch, pages 134, 291.)

But let us look a little farther into the conduct of the Peace party of New England at that important

[1] Robert Stewart, Viscount Castlereagh, afterwards second Marquis of Londonderry, was Secretary for War from 1807 to 1809, when occurred his duel with George Canning. From 1812 to his death, which he inflicted upon himself, he was Secretary for Foreign Affairs.

crisis. Whatever difference of opinion might have existed as to the causes of the war, the country had a right to expect that, when once involved in the contest, all America would have cordially united in its support. Sir, the war effected in its progress a union of all parties at the South. But not so in New England; there great efforts were made to stir up the minds of the people to oppose it. Nothing was left undone to embarrass the financial operations of the government, to prevent the enlistment of troops, to keep back the men and money of New England from the service of the Union, to force the President from his seat. Yes, sir, "the Island of Elba or a halter!" were the alternatives they presented to the excellent and venerable James Madison. Sir, the war was further opposed by openly carrying on illicit trade with the enemy, by permitting that enemy to establish herself on the very soil of Massachusetts, and by opening a free trade between Great Britain and America, with a separate custom-house; — yes, sir, those who cannot endure the thought that we should insist on a free trade in time of profound peace could, without scruple, claim and exercise the right of carrying on a free trade with the enemy in a time of war; — and finally by getting up the renowned "Hartford Convention," and preparing the way for an open resistance to the government and a separation of the States. Sir, if I am asked for the proof of those things, I fearlessly appeal to contemporary history, to the public documents of the country, to the recorded opinion and acts of public assemblies, to the declaration and acknowledgments, since made, of the Executive and Legislature of Massachusetts herself.[1]

[1] "In answer to an address of Governor Eustis, denouncing

Sir, the time has not been allowed me to trace this subject through, even if I had been disposed to do so. But I cannot refrain from referring to one or two documents which have fallen in my way since this debate began. I read, sir, from the "Olive Branch" of Mathew Carey, in which are collected "the actings and doings" of the Peace party of New England, during the continuance of the embargo and the war. I know the Senator from Massachusetts will respect the high authority of his political friend and fellow laborer in the great cause of "domestic industry."

the conduct of the Peace party during the war, the House of Representatives of Massachusetts, in June, 1823, say: 'The change of the political sentiment, evinced in the late elections, forms indeed a new era in the history of our Commonwealth. It is the triumph of reason over passion, of patriotism over party spirit. Massachusetts has returned to her first love, and is no longer a stranger in the Union. We rejoice that though, during the last war, such measures were adopted in this State as occasioned a double sacrifice of treasure and of life, covered the friends of the nation with humiliation and mourning, and fixed a stain on the page of our history, a redeeming spirit has at length arisen to take away our reproach and restore to us our good name, our rank among our sister States, and our just influence in the Union.

"'Though we would not renew contentions, or irritate wantonly, we believe that there are cases when it is necessary we should "wound to heal." And we consider it among the first duties of the friends of our national government, on this return of power, to disavow the unwarrantable course pursued by this State during the late war, and to hold up the measures of that period as beacons, that the present and succeeding generations may shun that career which must inevitably terminate in the destruction of the individual or party who pursues it; and may learn the important lesson that, in all times, the path of duty is the path of safety, and that it is never dangerous to rally round the standard of our country.'" (Note in the earlier editions of Hayne's Speech.)

In page 301 et seq. 309 of this work is a detailed account of the measures adopted in Massachusetts during the war, for the express purpose of embarrassing the financial operations of the government, by preventing loans, and thereby driving our rulers from their seats, and forcing the country into a dishonorable peace. It appears that the Boston banks commenced an operation by which a run was to be made upon all the banks at the South, at the same time stopping their own discounts, the effect of which was to produce a sudden and most alarming diminution of the circulating medium, and universal distress over the whole country, a distress which they failed not to attribute to the "unholy war."

To such an extent was this system carried that it appears, from a statement of the condition of the Boston banks made up in January, 1814, that with nearly $5,000,000 of specie in their vaults they had but $2,000,000 of bills in circulation. It is added by Carey that at this very time an extensive trade was carried on in British government bills, for which specie was sent to Canada for the payment of the British troops, then laying waste our Northern frontier; and this, too, at the very moment when New England ships, sailing under British licenses (a trade declared to be lawful by the courts both of Great Britain and Massachusetts), were supplying with provisions those very armies destined for the invasion of our own shores. Sir, the author of the "Olive Branch," with a holy indignation, denounces these acts as "treasonable;" "giving aid and comfort to the enemy." I shall not follow his example. But I will ask, With what justice or propriety can the South be accused of disloyalty from that quarter? If we had

any evidence that the Senator from Massachusetts had admonished his brethren then, he might with a better grace assume the office of admonishing us now.

When I look at the measures adopted in Boston at that day to deprive the government of the necessary means for carrying on the war, and think of the success and the consequences of these measures, I feel my pride as an American humbled in the dust. Hear, sir, the language of that day. I read from pages 301 and 302 of the "Olive Branch." "Let no man who wishes to continue the war, by active means, by vote, or lending money, dare to prostrate himself at the altar on the fast-day." "Will Federalists subscribe to the loan? Will they lend money to our national rulers? It is impossible, first because of principle, and secondly because of principle and interest." "Do not prevent the abusers of their trust from becoming bankrupt. Do not prevent them from becoming odious to the public, and being replaced by better men." "Any Federalist who lends money to government must go and shake hands with James Madison, and claim fellowship with Felix Grundy." [1] (I beg pardon of my honorable friend from Tennessee, but he is in good company. I had thought it was "James Madison, Felix Grundy, and the Devil.") "Let him no more call himself a Federalist, and a friend to his country, — he will be called by others infamous," etc.

Sir, the spirit of the people sunk under these ap-

[1] Felix Grundy (1777–1840), a celebrated criminal lawyer of Tennessee. He served in the House from 1811 to 1814, and in 1829 was elected to the Senate. He took part in the debate on Foote's Resolution, and is thought to have leaned favorably toward nullification. He was Attorney-General in Van Buren's Cabinet for a little more than a year, when he was again elected to the Senate.

peals. Such was the effect produced by them on the public mind that the very agents of the government (as appears from their public advertisements now before me) could not obtain loans without a pledge that "the names of the subscribers should not be known." Here are the advertisements: "The names of all subscribers" (say Gilbert and Dean, the brokers employed by government) "shall be known only to the undersigned." As if those who came forward to aid their country, in the hour of her utmost need, were engaged in some dark and foul conspiracy, they were assured "that their names should not be known." Can anything show more conclusively the unhappy state of public feeling which prevailed at that day than this single fact? Of the same character with these measures was the conduct of Massachusetts in withholding her militia from the service of the United States, and devising measures for withdrawing her quota of the taxes, thereby attempting, not merely to cripple the resources of the country, but actually depriving the government (so far as depended upon her) of all the means of carrying on the war, of the bone, and muscle, and sinews of war, "of man and steel, the soldier and his sword." But it seems Massachusetts was to reserve her resources for herself, — she was to defend and protect her own shores. And how was that duty performed? In some places on the coast neutrality was declared, and the enemy was suffered to invade the soil of Massachusetts, and allowed to occupy her territory until the peace, without one effort to rescue it from his grasp. Nay, more, — while our own government and our own rulers were considered as enemies, the troops of the enemy were treated like friends, — the most intimate commercial relations

were established with them, and maintained up to the peace. At this dark period of our national affairs where was the Senator from Massachusetts? How were his political associates employed? "Calculating the value of the Union?" Yes, sir, that was the propitious moment, when our country stood alone, the last hope of the world, struggling for existence against the colossal power of Great Britain, "concentrated in one mighty effort to crush us at a blow," — that was the chosen hour to revive the grand scheme of building up "a great Northern confederacy," — a scheme which, it is stated in the work before me, had its origin as far back as the year 1796, and which appears never to have been entirely abandoned.

In the language of the writers of that day (1796), "rather than have a Constitution such as the Anti-Federalists were contending for" (such as we now are contending for), "the Union ought to be dissolved;" and to prepare the way for that measure, the same methods were resorted to then that have always been relied on for that purpose, — exciting prejudice against the South. Yes, sir, our Northern brethren were then told "that if the negroes were good for food, their Southern masters would claim the right to destroy them at pleasure." (Olive Branch, page 267.) Sir, in 1814 all these topics were revived. Again we hear of "a Northern confederacy;" "the slave States by themselves;" "the mountains are the natural boundary;" we want neither "the counsels nor the power of the West," etc. The papers teemed with accusations against the South and the West, and the calls for a dissolution of all connection with them were loud and strong. I cannot consent to go through the disgusting details. But, to show the height to

which the spirit of disaffection was carried, I will take you to the temple of the living God, and show you that sacred place (which should be devoted to the extension of "peace on earth and good will towards men," where one day's truce ought surely to be allowed to the dissensions and animosities of mankind) converted into a fierce arena of political strife, where, from the lips of the priest standing between the horns of the altar, there went forth the most terrible denunciations against all who should be true to their country in the hour of her utmost need.

"If you do not wish," said a reverend clergyman[1] in a sermon preached in Boston on the 23d of July, 1812, "to become the slaves of those who own slaves, and who are themselves the slaves of French slaves, you must either, in the language of the day, CUT THE CONNECTION, or so far alter the national compact as to insure to yourselves a due share in the government." (Olive Branch, page 319.) "The Union," says the same writer (page 320), "has been long since virtually dissolved, and it is full time that this part of the disunited States should take care of itself."

Another reverend gentleman,[2] pastor of a church at Medford (page 321), issues his anathema, "Let him stand accursed," against all, all who, by their "personal services," or "loans of money," "conversations," or "writing," or "influence," give countenance or support to the unrighteous war, in the following terms: "That man is an accomplice in the wickedness, he loads his conscience with the blackest crimes, he brings the guilt of blood upon his soul, and in the sight of God and his law he is a murderer."

[1] The Rev. J. S. J. Gardiner, rector of Trinity Church.

[2] The Rev. David Osgood.

One or two more quotations, sir, and I shall have done. A reverend doctor of divinity, the pastor of a church at Byfield,[1] Massachusetts, on the 7th of April, 1814, thus addresses his flock (page 321): "The Israelites became weary of yielding the fruit of their labor to pamper their splendid tyrants. They left their political woes. They separated. Where is our Moses? Where the rod of his miracles? Where is our Aaron? Alas! no voice from the burning bush has directed them here." "We must trample on the mandates of despotism, or remain slaves forever" (page 322). "You must drag the chains of Virginian despotism, unless you discover some other mode of escape." "Those Western States which have been violent for this abominable war, those States which have thirsted for blood, God has given them blood to drink" (page 323). Mr. President, I can go no further. The records of the day are full of such sentiments, issued from the press, spoken in public assemblies, poured out from the sacred desk. God forbid, sir, that I should charge the people of Massachusetts with participating in these sentiments. The South and the West had there their friends, — men who stood by their country, though encompassed all around by their enemies. The Senator from Massachusetts [Mr. Silsbee][2] was one of them; the Senator from Connecticut [Mr. Foote] was another; and there are others now on this floor. The sentiments I have read were the sentiments of a party embracing the political associates of the gentleman

[1] The Rev. Elijah Parish.

[2] Nathaniel Silsbee was a member of the national House of Representatives from 1817 to 1821, and of the United States Senate from 1826 to 1835. During most of this time he was the colleague of Mr. Webster, who was elected in 1827.

from Massachusetts. If they could only be found in the columns of a newspaper, in a few occasional pamphlets, issued by men of intemperate feeling, I should not consider them as affording any evidence of the opinions even of the Peace party of New England. But, sir, they were the common language of that day; they pervaded the whole land; they were issued from the legislative hall, from the pulpit, and the press. Our books are full of them; and there is no man who now hears me but knows that they were the sentiments of a party by whose members they were promulgated. Indeed, no evidence of this would seem to be required beyond the fact that such sentiments found their way even into the pulpits of New England. What must be the state of public opinion where any respectable clergyman would venture to preach and to print sermons containing the sentiments I have quoted? I doubt not the piety or moral worth of these gentlemen. I am told they were respectable and pious men. But they were men, and they "kindled in a common blaze." And now, sir, I must be suffered to remark that, at this awful and melancholy period of our national history, the gentleman from Massachusetts, who now manifests so great a devotion to the Union, and so much anxiety lest it should be endangered from the South, was "with his brethren in Israel." He saw all these things passing before his eyes, — he heard these sentiments uttered all around him. I do not charge that gentleman with any participation in these acts, or with approving of these sentiments.

But I will ask, why if he was animated by the same sentiments then which he now professes, if he can "augur disunion at a distance, and snuff up rebellion

in every tainted breeze," why did he not, at that day, exert his great talents and acknowledged influence with the political associates by whom he was surrounded,[1] and who then, as now, looked up to him for guidance and direction, in allaying this general excitement, in pointing out to his deluded friends the value of the Union, in instructing them that, instead of looking "to some prophet to lead them out from the land of Egypt," they should become reconciled to their brethren, and unite with them in the support of a just and necessary war? Sir, the gentleman must excuse me for saying that, if the records of our country afforded any evidence that he had pursued such a course, then, if we could find it recorded in the history of those times that, like the immortal Dexter,[2] he had breasted that mighty torrent which was sweeping before it all that was great and valuable in our political institutions; if like him he had stood by his country in opposition to his party, — sir, we would, like little children, listen to his precepts, and abide by his counsels.

As soon as the public mind was sufficiently prepared for the measure, the celebrated Hartford Convention was got up; not as the act of a few unauthorized individuals, but by authority of the Legislature of Massachusetts, and, as has been shown by the able historian of that convention, in accordance with the views and wishes of the party of

[1] "He [Webster] discountenanced the measures which led to the Hartford Convention, and he helped to keep New Hampshire out of that movement." Lodge's *Daniel Webster*, p. 58 (American Statesmen Series).

[2] Samuel Dexter (1761–1816); at first a strong Federalist, he supported the Republicans in the war policy of 1812, and was their nominee for Governor of Massachusetts in 1816.

which it was the organ. Now, sir, I do not desire to call in question the motives of the gentlemen who composed that assembly. I knew many of them to be in private life accomplished and honorable men, and I doubt not there were some among them who did not perceive the dangerous tendency of their proceedings. I will even go further, and say that if the authors of the Hartford Convention believed that "gross, deliberate, and palpable violations of the Constitution" had taken place, utterly destructive of their rights and interests, I should be the last man to deny their right to resort to any constitutional measures for redress. But, sir, in any view of the case, the time when and the circumstances under which that convention assembled, as well as the measures recommended, render their conduct, in my opinion, wholly indefensible. Let us contemplate, for a moment, the spectacle then exhibited to the view of the world. I will not go over the disasters of the war, nor describe the difficulties in which the government was involved. It will be recollected that its credit was nearly gone, Washington had fallen, the whole coast was blockaded, and an immense force, collected in the West Indies, was about to make a descent which it was supposed we had no means of resisting. In this awful state of our public affairs, when the government seemed almost to be tottering on its base, when Great Britain, relieved from all her other enemies, had proclaimed her purpose of "reducing us to unconditional submission," we beheld the Peace party of New England (in the language of the work before us) pursuing a course calculated to do more injury to their country, "and to render England more effective service than all her armies." Those who could not find

it in their hearts to rejoice at our victories sang Te Deum at the King's Chapel in Boston for the restoration of the Bourbons. Those who could not consent to illuminate their dwellings for the capture of the Guerrière could give visible tokens of their joy at the fall of Detroit. The "beacon fires" of their hills were lighted up, not for the encouragement of their friends, but as signals to the enemy; and in the gloomy hours of midnight the very lights burned blue. Such were the dark and portentous signs of the times which ushered into being the renowned Hartford Convention. That convention met, and from their proceedings it appears that their chief object was to keep back the men and money of New England from the service of the Union, and to effect radical changes in the government, — changes that can never be effected without a dissolution of the Union.

Let us now, sir, look at their proceedings. I read from "A Short Account of the Hartford Convention" (written by one of its members [1]), a very rare book, of which I was fortunate enough, a few years ago, to obtain a copy. [Here Mr. Hayne read from the proceedings.[2]]

[1] Theodore Lyman, Jr., 1792–1849.

[2] "It appears, at page 6 of the *Account*, that by a vote of the House of Representatives of Massachusetts (260 to 90), delegates to this Convention were ordered to be appointed, to consult upon the subject 'of their public grievances and concerns,' and upon 'the best means of preserving their resources,' and for procuring a revision of the Constitution of the United States, 'more effectually to secure the support and attachment of all the people by placing all upon the basis of fair representation.'

"The Convention assembled at Hartford on the 15th of December, 1814. On the next day it was

'*Resolved*, That the most inviolable secrecy shall be observed by each member of this Convention, including the Secretary, as

It is unnecessary to trace the matter further, or to ask what would have been the next chapter in this

to all propositions, debates, and proceedings thereof, until this injunction shall be suspended or altered.'

"On the 24th of December, the committee appointed to prepare and report a general project of such measures as it may be proper for the Convention to adopt, reported, among other things: —

1. 'That it was expedient to recommend to the legislatures of the States the adoption of the most effectual and decisive measures to protect the militia of the States from the usurpations contained in these proceedings [the proceedings of Congress and the Executive in relation to the militia and the war].

2. 'That it was expedient also to prepare a statement exhibiting the necessity which the improvidence and inability of the general government have imposed upon the States of providing for their own defense, and the impossibility of their discharging this duty and at the same time fulfilling the requisitions of the general government; and also to recommend to the legislatures of the several States to make provision for mutual defense, and to make an earnest application to the government of the United States with a view to some arrangement whereby the States may be enabled to retain a portion of the taxes levied by Congress for the purposes of self-defense, and for the reimbursement of expenses already incurred on account of the United States.

3. 'That it is expedient to recommend to the several State legislatures certain amendments to the Constitution, viz.: —

'That the power to declare or make war by the Congress of the United States be restricted.

'That it is expedient to attempt to make provision for restraining Congress in the exercise of an unlimited power to make new States and admit them into the Union.

'That an amendment be proposed respecting slave representation and slave taxation.'

"On the 29th December, 1814, it was proposed 'that the capacity of naturalized citizens to hold offices of trust, honor, or profit ought to be restrained,' etc.

"The subsequent proceedings are not given at large. But it seems that the report of the committee was adopted, and also a

history if the measures recommended had been carried into effect; and if, with the men and money of New England withheld from the government of the United States, she had been withdrawn from the war; if New Orleans had fallen into the hands of the enemy; and if, without troops and almost destitute of money, the Southern and the Western States had been thrown upon their own resources for the prosecution of the war and the recovery of New Orleans. Sir, whatever may have been the issue of the contest, the Union must have been dissolved. But a wise and just Providence, which "shapes our ends, rough-hew them how we will,"[1] gave us the victory, and crowned our efforts with a glorious peace. The Ambassadors of Hartford[2] were seen retracing their steps from Washington, "the bearers of the glad tidings of great joy." Courage and patriotism triumphed; the country was saved; the Union was preserved. And are we, Mr. President, who stood by our country then, who threw open our coffers, who bared our bosoms, who freely periled all in that conflict, to be reproached with want of attachment to the Union? If, sir, we

recommendation of certain measures (of the character of which we are not informed) to the States for their mutual defense; and having voted 'that the injunction of secrecy in regard to all the debates and proceedings of the Convention (except so far as relates to the Report finally adopted) be continued,' the Convention adjourned sine die, but (as it was supposed) to meet again when circumstances should require it." (Note in the earlier editions of Hayne's Speech, printed without change.)

[1] See Shakespeare's *Hamlet*, act v. scene 2.

[2] Three commissioners, headed by Harrison Gray Otis and bearing the recommendation of the New England (or Hartford) Convention, started for Washington early in February, 1815, but were met by the news of the battle of New Orleans, and quickly returned.

are to have lessons of patriotism read to us, they must come from a different quarter. The Senator from Massachusetts, who is now so sensitive on all subjects connected with the Union, seems to have a memory forgetful of the political events that have passed away. I must therefore refresh his recollection a little further on these subjects. The history of disunion has been written by one whose authority stands too high with the American people to be questioned, — I mean Thomas Jefferson. I know not how the gentleman may receive this authority. When that great and good man occupied the Presidential chair, I believe he commanded no portion of that gentleman's respect.

I hold in my hand a celebrated pamphlet on the Embargo,[1] in which language is held, in relation to Mr. Jefferson, which my respect for his memory will prevent me from reading, unless any gentleman should call for it. But the Senator from Massachusetts has since joined in singing hosannas to his name; he has assisted at his apotheosis, and has fixed him as "a brilliant star in the clear upper sky." I hope, therefore, he is now prepared to receive with deference and respect the high authority of Mr. Jefferson. In the fourth volume of his Memoirs,[2] which have just issued

[1] On December 22, 1807, Congress passed an Embargo Act, which prohibited exportations from this country. The object was to force England to abandon her Orders in Council, and France the Berlin and Milan Decrees, and to stop the seizure of American vessels and the impressment of our seamen. The effect, however, was most disastrous to the commerce of this country, which shrank ominously, especially in New England. The Embargo terminated on March 4, 1809.

[2] The edition edited by T. J. Randolph (Charlottesville, 1829).

from the press, we have the following history of disunion from the pen of that illustrious statesman: "Mr. Adams called on me pending the Embargo, and while endeavors were making to obtain its repeal; he spoke of the dissatisfaction of the Eastern portion of our confederacy with the restraints of the Embargo then existing, and their restlessness under it; that there was nothing which might not be attempted to rid themselves of it; that he had information of the most unquestionable authority that certain citizens of the Eastern States (I think he named Massachusetts particularly) were in negotiation with agents of the British government, the object of which was an agreement that the New England States should take no further part in the war (the commercial war, the 'war of restrictions,' as it was called) then going on, and that, without formally declaring their separation from the Union, they should withdraw from all aid and obedience to them," etc.

"From that moment," says Mr. Jefferson, "I saw the necessity of abandoning it [the Embargo], and, instead of effecting our purpose by this peaceful measure, we must fight it out or break the Union." In another letter Mr. Jefferson adds: "I doubt whether a single fact known to the world will carry as clear conviction to it of the correctness of our knowledge of the treasonable views of the Federal party of that day as that disclosed by this, the most nefarious and daring attempt to dissever the Union, of which the Hartford Convention was a subsequent chapter; and, both of these having failed, consolidation becomes the fourth chapter of the next book of their history. But this opens with a vast accession of strength from their younger recruits, who, having nothing in them of the

feelings and principles of '76, now look to a single and splendid government, etc., riding and ruling over the plundered ploughman and beggared yeomanry." (Vol. iv. pp. 419, 422.)

The last chapter, says Mr. Jefferson, of that history is to be found in the conduct of those who are endeavoring to bring about consolidation; ay, sir, that very consolidation for which the gentleman from Massachusetts is contending, — the exercise by the federal government of powers not delegated in relation to "internal improvements" and "the protection of manufactures." And why, sir, does Mr. Jefferson consider consolidation as leading directly to disunion? Because he knew that the exercise by the federal government of the powers contended for would make this "a government without limitation of powers," the submission to which he considered as a greater evil than disunion itself. There is one chapter in this history, however, which Mr. Jefferson has not filled up, and I must therefore supply the deficiency. It is to be found in the protests made by New England against the acquisition of Louisiana. In relation to that subject, the New England doctrine is thus laid down by one of her learned political doctors of that day, now a doctor of laws at the head of the great literary institution of the East; I mean Josiah Quincy, President of Harvard College. I quote from the speech delivered by that gentleman on the floor of Congress, on the occasion of the admission of Louisiana into the Union.

Mr. Quincy repeated and justified a remark he had made, which, to save all misapprehension, he had committed to writing, in the following words: "If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union; that it will free the

States from their moral obligation; and as it will be the right of all, so it will be the duty of some, to prepare for a separation, amicably if they can, violently if they must."

Mr. President, I wish it to be distinctly understood that all the remarks I have made on this subject are intended to be exclusively applied to a party which I have described as the "Peace party of New England," — embracing the political associates of the Senator from Massachusetts, — a party which controlled the operations of that State during the Embargo and the War, and who are justly chargeable with all the measures I have reprobated. Sir, nothing has been further from my thoughts than to impeach the character or conduct of the people of New England. For their steady habits and hardy virtues I trust I entertain a becoming respect. I fully subscribe to the truth of the description given before the Revolution, by one whose praise is the highest eulogy, "that the perseverance of Holland, the activity of France, and the dexterous and firm sagacity of English enterprise have been more than equaled by this recent people." [1] Hardy, enterprising, sagacious, industrious, and moral, the people of New England of the present day are worthy of their ancestors. Still less, Mr. President, has it been my intention to say anything that could be construed into a want of respect for that party who, trampling on all narrow, sectional feeling, have been

[1] "Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hardy industry to the extent to which it has been pushed by this recent people." From Burke's *Conciliation with the Colonies*. (See *Riverside Literature Series*, No. 100, p. 19.)

true to their principles in the worst of times; I mean the democracy of New England.

Sir, I will declare that, highly as I appreciate the democracy of the South, I consider even higher praise to be due to the democracy of New England, who have maintained their principles "through good and through evil report," who, at every period of our national history, have stood up manfully for "their country, their whole country, and nothing but their country." In the great political revolution of '98 they were found united with the democracy of the South, marching under the banner of the Constitution, led on by the patriarch of liberty, in search of the land of political promise, which they lived not only to behold, but to possess and to enjoy. Again, sir, in the darkest and most gloomy period of the war, when our country stood single-handed against "the conqueror of the conquerors of the world," when all about and around them was dark and dreary, disastrous and discouraging, they stood a Spartan band in that narrow pass, where the honor of their country was to be defended, or to find its grave. And in the last great struggle, involving, as we believe, the very existence of the principle of popular sovereignty, where were the democracy of New England? Where they have always been found, sir, struggling side by side with their brethren of the South and the West for popular rights, and assisting in that glorious triumph by which the man of the people was elevated to the highest office in their gift.

Who then, Mr. President, are the true friends of the Union? Those who would confine the federal government strictly within the limits prescribed by the Constitution; who would preserve to the States

and the people all powers not expressly delegated; who would make this a federal and not a national Union, and who, administering the government in a spirit of equal justice, would make it a blessing and not a curse. And who are its enemies? Those who are in favor of consolidation; who are constantly stealing power from the States, and adding strength to the federal government; who, assuming an unwarrantable jurisdiction over the States and the people, undertake to regulate the whole industry and capital of the country. But, sir, of all descriptions of men, I consider those as the worst enemies of the Union who sacrifice the equal rights which belong to every member of the Confederacy to combinations of interested majorities for personal or political objects. But the gentleman apprehends no evil from the dependence of the States on the federal government; he can see no danger of corruption from the influence of money or of patronage. Sir, I know that it is supposed to be a wise saying that "patronage is a source of weakness;" and in support of that maxim it has been said that "every ten appointments make a hundred enemies." But I am rather inclined to think, with the eloquent and sagacious orator now reposing on his laurels on the banks of the Roanoke,[1] that "the power of conferring favors creates a crowd of dependents." He gave a forcible illustration of the truth of the remark when he told us of the effect of holding up the savory morsel to the eager eyes of the hungry hounds gathered around his door. It mattered not whether the gift was bestowed on Towser or Sweetlips, "Tray, Blanch, or Sweet-heart;"[2] while held in suspense, they were

[1] John Randolph of Roanoke, born 1773, died 1833.

[2] See Shakespeare's *King Lear*, act iii. scene 6.

all governed by a nod, and, when the morsel was bestowed, the expectation of the favors of to-morrow kept up the subjection of to-day.

The Senator from Massachusetts, in denouncing what he is pleased to call the Carolina doctrine, has attempted to throw ridicule upon the idea that a State has any constitutional remedy, by the exercise of its sovereign authority, against "a gross, palpable, and deliberate violation of the Constitution." He called it "an idle" or "a ridiculous notion," or something to that effect, and added that it would make the Union a "mere rope of sand." Now, sir, as the gentleman has not condescended to enter into any examination of the question, and has been satisfied with throwing the weight of his authority into the scale, I do not deem it necessary to do more than to throw into the opposite scale the authority on which South Carolina relies; and there, for the present, I am perfectly willing to leave the controversy. The South Carolina doctrine, that is to say, the doctrine contained in an exposition reported by a committee of the Legislature in December, 1828, and published by their authority, is the good old Republican doctrine of '98, — the doctrine of the celebrated "Virginia Resolutions" of that year, and of "Madison's Report" of '99. It will be recollected that the Legislature of Virginia, in December, '98, took into consideration the Alien and Sedition laws, then considered by all Republicans as a gross violation of the Constitution of the United States, and on that day [1] passed, among others, the following resolutions: —

"The General Assembly . . . doth explicitly and peremptorily declare that it views the powers of the

[1] December 21, 1798.

federal government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact; as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them."

In addition to the above resolution, the General Assembly of Virginia "appealed to the other States, in the confidence that they would concur with that Commonwealth that the acts aforesaid [the Alien and Sedition laws[1]] are unconstitutional, and that the necessary and proper measures would be taken by each for coöperating with Virginia in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people."

The Legislatures of several of the New England States having, contrary to the expectation of the Legislature of Virginia, expressed their dissent from these doctrines, the subject came up again for con-

[1] The Alien Law was passed in 1798, and its action was limited to two years; the Sedition Law was passed in the same year, to expire in 1801. Both were extreme measures, and undoubtedly led to a reaction against the Federalists in the next election. They were opposed by Hamilton. Their real if not expressed purpose was to discourage undue political sympathy with France, and to punish scurrilous attacks on the Executive and the government. Among the immediate results of these measures was the passage of the Kentucky and Virginia resolutions of 1798.

sideration during the session of 1799–1800, when it was referred to a select committee, by whom was made that celebrated report which is familiarly known as "Madison's Report," and which deserves to last as long as the Constitution itself. In that report, which was subsequently adopted by the Legislature, the whole subject was deliberately reëxamined, and the objections urged against the Virginia doctrines carefully considered. The result was that the Legislature of Virginia reaffirmed all the principles laid down in the resolutions of 1798, and issued to the world that admirable report which has stamped the character of Mr. Madison as the preserver of that Constitution which he had contributed so largely to create and establish. I will here quote from Mr. Madison's report one or two passages which bear more immediately on the point in controversy. "The resolution, having taken this view of the federal compact, proceeds to infer 'that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them.'

"It appears to your committee to be a plain principle, founded in common sense, illustrated by common practice, and essential to the nature of compacts, that, where resort can be had to no tribunal superior to the authority of the parties, the parties themselves must be the rightful judges in the last resort whether the bargain made has been pursued or violated. The Constitution of the United States was formed by the sanction of the States, given by each in its sovereign

capacity. It adds to the stability and dignity, as well as to the authority of the Constitution, that it rests upon this legitimate and solid foundation. The States, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity that there can be no tribunal above their authority to decide, in the last resort, whether the compact made by them be violated, and consequently that, as the parties to it, they must themselves decide in the last resort such questions as may be of sufficient magnitude to require their interposition.

"The resolution has guarded against any misapprehension of its object by expressly requiring for such an interposition 'the case of a deliberate, palpable, and dangerous breach of the Constitution by the exercise of powers not granted by it.' It must be a case, not of a light and transient nature, but of a nature dangerous to the great purposes for which the Constitution was established.

"But the resolution has done more than guard against misconstruction, by expressly referring to cases of a deliberate, palpable, and dangerous nature. It specifies the object of the interposition which it contemplates, to be solely that of arresting the progress of the evil of usurpation, and of maintaining the authorities, rights, and liberties appertaining to the States as parties to the Constitution.

"From this view of the resolution it would seem inconceivable that it can incur any just disapprobation from those who, laying aside all momentary impressions, and recollecting the genuine source and object of the federal Constitution, shall candidly and accurately interpret the meaning of the General Assembly. If the deliberate exercise of dangerous

powers, palpably withheld by the Constitution, could not justify the parties to it in interposing even so far as to arrest the progress of the evil, and thereby to preserve the Constitution itself, as well as to provide for the safety of the parties to it, there would be an end to all relief from usurped power, and a direct subversion of the rights specified or recognized under all the State constitutions, as well as a plain denial of the fundamental principles on which our independence itself was declared."

But, sir, our authorities do not stop here. The State of Kentucky responded to Virginia, and on the 10th of November, 1798, adopted those celebrated resolutions well known to have been penned by the author of the Declaration of American Independence. In those resolutions the Legislature of Kentucky declare "That the government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

At the ensuing session of the Legislature the subject was reëxamined, and on the 14th of November, 1799, the resolutions of the preceding year were deliberately reaffirmed, and it was among other things solemnly declared: —

"That, if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State governments, and the erection upon their ruins

of a general consolidated government, will be the inevitable consequence. That the principle and construction contended for by sundry of the State Legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop not short of despotism, since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction, and that a nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy."

Time and experience confirmed Mr. Jefferson's opinion on this all-important point. In the year 1821 he expressed himself in this emphatic manner: "It is a fatal heresy to suppose that either our State governments are superior to the federal, or the federal to the State; neither is authorized literally to decide which belongs to itself or its copartner in government; in differences of opinion between their different sets of public servants, the appeal is to neither, but to their employers peaceably assembled by their representatives in convention." The opinion of Mr. Jefferson on this subject has been so repeatedly and so solemnly expressed that it may be said to have been among the most fixed and settled convictions of his mind.

In the protest prepared by him for the Legislature of Virginia in December, 1825, in respect to the powers exercised by the federal government in relation to the tariff and internal improvements, which he declares to be "usurpations of the powers retained by the States, mere interpolations into the compact, and

direct infractions of it," he solemnly reasserts all the principles of the Virginia Resolutions of '98; protests against "these acts of the federal branch of the government as null and void; and declares that, although Virginia would consider a dissolution of the Union as among the greatest calamities that could befall them, yet it is not the greatest. There is one yet greater, — submission to a government of unlimited powers. It is only when the hope of this shall become absolutely desperate that further forbearance could not be indulged."

In his letter to Mr. Giles, written about the same time, he says: —

"I see as you do, and with the deepest affliction, the rapid strides with which the federal branch of our government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic, and that, too, by constructions which leave no limits to their powers, etc. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, etc. Under the authority to establish post roads they claim that of cutting down mountains for the construction of roads, and digging canals, etc. And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them, etc. Are we, then, to stand to our arms with the hot-headed Georgian?[1] No (and I say no, and South Carolina has said no): that must be the last resource. We must have patience and long endurance with our brethren, etc., and separate from our companions only when the sole alternatives

[1] Probably William H. Crawford is indicated.

left are a dissolution of our union with them, or submission to a government without limitation of powers. Between these two evils, when we must make a choice, there can be no hesitation."

Such, sir, are the high and imposing authorities in support of "the Carolina doctrine," which is, in fact, the doctrine of the Virginia Resolutions of 1798.

Sir, at that day the whole country was divided on this very question. It formed the line of demarcation between the Federal and Republican parties; and the great political revolution which then took place turned upon the very question involved in these resolutions. That question was decided by the people, and by that decision the Constitution was, in the emphatic language of Mr. Jefferson, "saved at its last gasp." I should suppose, sir, it would require more self-respect than any gentleman here would be willing to assume, to treat lightly doctrines derived from such high sources. Resting on authority like this, I will ask gentlemen, whether South Carolina has not manifested a high regard for the Union when, under a tyranny ten times more grievous than the Alien and Sedition laws, she has hitherto gone no further than to petition, remonstrate, and to solemnly protest against a series of measures which she believes to be wholly unconstitutional and utterly destructive of her interests. Sir, South Carolina has not gone one step farther than Mr. Jefferson himself was disposed to go in relation to the present subject of our present complaints; not a step farther than the statesmen from New England were disposed to go under similar circumstances; no farther than the Senator from Massachusetts himself once considered as within "the limits of a constitutional opposition." The doctrine

that it is the right of a State to judge of the violations of the Constitution on the part of the federal government, and to protect her citizens from the operations of unconstitutional laws, was held by the enlightened citizens of Boston who assembled in Faneuil Hall on the 25th of January, 1809. They state in that celebrated memorial that "they looked only to the State Legislatures, who were competent to devise relief against the unconstitutional acts of the general government. That your power (say they) is adequate to that object is evident from the organization of the confederacy."

A distinguished Senator from one of the New England States (Mr. Hillhouse[1]), in a speech delivered here on a bill for enforcing the Embargo, declared: "I feel myself bound in conscience to declare (lest the blood of those who shall fall in the execution of this measure shall be on my head) that I consider this to be an act which directs a mortal blow at the liberties of my country, — an act containing unconstitutional provisions, to which the people are not bound to submit, and to which, in my opinion, they will not submit."

And the Senator from Massachusetts himself, in a speech delivered on the same subject in the other House, said: "This opposition is constitutional and legal; it is also conscientious. It rests on settled and sober conviction that such policy is destructive to the interests of the people and dangerous to the being of government. The experience of every day confirms

[1] James Hillhouse served in the American cause during the Revolution. He was a United States Senator from Connecticut from 1796 to 1810, and treasurer of Yale College from 1782 till his death in 1832.

these sentiments. Men who act from such motives are not to be discouraged by trifling obstacles, nor awed by any dangers. They know the limit of constitutional opposition; up to that limit, at their own discretion, they will walk, and walk fearlessly." How "the being of government" was to be endangered by "constitutional opposition" to the Embargo, I leave to the gentleman to explain.

III. Thus it will be seen, Mr. President, that the South Carolina doctrine is the republican doctrine of '98; that it was promulgated by the fathers of the faith; that it was maintained by Virginia and Kentucky in the worst of times; that it constituted the very pivot on which the political revolution of that day turned; that it embraces the very principles the triumph of which, at that time, saved the Constitution at its last gasp, and which New England statesmen were not unwilling to adopt when they believed themselves to be the victims of unconstitutional legislation. Sir, as to the doctrine that the federal government is the exclusive judge of the extent as well as the limitations of its powers, it seems to me to be utterly subversive of the sovereignty and independence of the States. It makes but little difference, in my estimation, whether Congress or the Supreme Court are invested with this power. If the federal government, in all or any of its departments, is to prescribe the limits of its own authority, and the States are bound to submit to the decision, and are not to be allowed to examine and decide for themselves when the barriers of the Constitution shall be overleaped, this is practically "a government without limitation of powers." The States are at once reduced to mere petty corpora-

tions, and the people are entirely at your mercy. I have but one word more to add. In all the efforts that have been made by South Carolina to resist the unconstitutional laws which Congress has extended over them, she has kept steadily in view the preservation of the Union by the only means by which she believes it can be long preserved, — a firm, manly, and steady resistance against usurpation. The measures of the federal government have, it is true, prostrated her interests, and will soon involve the whole South in irretrievable ruin. But even this evil, great as it is, is not the chief ground of our complaints. It is the principle involved in the contest, a principle which, substituting the discretion of Congress for the limitations of the Constitution, brings the States and the people to the feet of the federal government, and leaves them nothing they can call their own. Sir, if the measures of the federal government were less oppressive, we should still strive against this usurpation. The South is acting on a principle she has always held sacred, — resistance to unauthorized taxation. These, sir, are the principles which induced the immortal Hampden to resist the payment of a tax of twenty shillings. "Would twenty shillings have ruined his fortune? No! but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave." [1] Sir, if, acting on these high motives, — if, animated by that ardent love of liberty which has always been the most prominent trait in the Southern character, — we should be hurried beyond the bounds of a cold and calculating prudence, who is there, with one noble and generous sentiment in his

[1] Burke's *Speech on American Taxation*, April 19, 1774.

bosom, that would not be disposed, in the language of Burke, to exclaim, "You must pardon something to the spirit of liberty"?[1]

[1] "I pardon something to the spirit of liberty." From Burke's Conciliation with the Colonies. (See *Riverside Literature Series*, No. 100, p. 19.)

SKETCH OF DANIEL WEBSTER.

As in the case of Benjamin Franklin, two States may claim the honor of being the home of Daniel Webster. He was born in New Hampshire; but his name is more closely identified with Massachusetts, where he lived in his later years, and where his body is buried. He was the son of Ebenezer Webster, who married, as a second wife, Abigail Eastman, and who lived in Salisbury, New Hampshire, where Daniel was born on January 18, 1782, — the fifth in lineal descent from Thomas Webster, the first-comer from England of the family, which was supposed to be Scotch. It is essential to an understanding of Daniel Webster to remember that, though he was not of Puritan or Pilgrim stock, he was wholly an American, in whose make-up was no intermixture of alien blood.

The unusual abilities of Daniel and of his elder brother, Ezekiel, were probably transmitted from his father's mother, Susannah Bachelder, herself a descendant of the Rev. Stephen Bachelder, a man of unusual and eccentric parts. The superb physique of Webster's manhood was not indicated in his childhood, for he was so delicate as to be plainly unfitted for a farmer's toil, and was driven to outdoor life rather for amusement than for occupation. When fourteen years of age he went to the Phillips Exeter Academy, and in 1797 entered Dartmouth College, that veritable nurse of heroes. Though poorly fitted to enter college, he had studied the classics, after leaving Phillips Academy, with the Rev. Samuel Wood, of Boscawen. Any mention of Webster's early days should justly include an appreciation of the self-sacrifices made by his parents to secure an education for him and his brother, both of whom felt and

showed a proper gratitude. Daniel's rank was high at graduation; but his career at college was that of a lad of promise rather than that of a profound scholar. He found time during his course to write for a weekly paper in Hanover and to deliver a Fourth of July oration, in which are to be found in embryo the great political principles of his whole life, — devotion to country, loyalty to its Constitution, and the sentiment of nationality.

After graduation he studied law in the office of Thomas W. Thompson in Salisbury, but was soon obliged to teach school at Fryeburg, Maine, in order to help pay his brother Ezekiel's college expenses. In 1804 he was able to enter the law office of Christopher Gore, in Boston, where, in 1805, he was admitted to the bar. From Boscawen, where he began practice and where he found an unwelcome leisure, during which he wrote "An Appeal to the Old Whigs of New Hampshire" (1805), and other political contributions, he went in 1807 to Portsmouth. There he soon enjoyed a stimulating competition and helpful friendship with Jeremiah Mason, leader of the bar of Rockingham County, justly celebrated for the ability of its members.

The agitation which preceded the War of 1812 found Webster on the Federalist side, and he contributed with voice and pen to the controversy. He inherited his political preferences from his father; but he was by nature deeply though not narrowly conservative. He continued to hold a sort of modified Federalism, though, at the disappearance of the Federal party, he was forced to act with one of the several factions of the Democratic party until the definite formation of the Whig party. The "Rockingham Memorial," prepared by Mr. Webster in 1812, was addressed to the President, and is recognized as worthy of the author's abilities. In 1813 he first took his seat in the national House of Representatives. During the next few years he was building his legal reputation and becoming known in cases before the Supreme Court. In 1816 he moved to

Boston, and in 1818 argued the famous Dartmouth College case[1] before the Supreme Court.

The year 1820 found him active in the State Constitutional Convention of Massachusetts, where, with Judge Joseph Story, he took a most conspicuous and important part in all discussions. In December of the same year he delivered the first and one of the most celebrated of his great orations, — that on the two hundredth anniversary of the landing of the Pilgrims. He reëntered Congress in 1823; and the year following, having been elected to the Nineteenth Congress by a vote of four thousand nine hundred and ninety out of five thousand votes thrown, he made his speech in the House on the appointment of a commissioner to Greece, then in the travail of her Revolution. In the years 1825 and 1826 were delivered two of his famous

[1] This famous case, before the Supreme Court, was virtually a contest between John Wheelock, formerly President of the College, and the Trustees, who had appointed the Rev. Francis Brown in Wheelock's place. The contest had developed into a party question in New Hampshire, the Democrats sustaining Wheelock and the Federalists the Trustees. Governor Plumer had appointed new trustees and overseers under a new law authorizing the reorganization of the college. The suit was brought by the original board against their former secretary, Judge Woodward, to recover the college seal and other property. Jeremiah Mason, Jeremiah Smith, and Daniel Webster (who had previously accepted a professional fee from Wheelock) appeared for the college before the Circuit Court. The case went against the plaintiffs, and was then taken up on a writ of error to the Supreme Court. Mr. Webster had against him William Wirt and later William Pinkney, then leader of the whole bar. The case was won largely by the wonderful force of Webster's oratory, and by the skill with which a court, a majority of which was at first hostile to the college, was brought to assent to the decision of Chief Justice Marshall, — that the New Hampshire Legislature had impaired a contract, as he held the charter of the college to be within the Constitution. See John M. Shirley's *Dartmouth College Causes* (1879).

orations, — the first on the laying of the corner-stone of Bunker Hill Monument, in the presence of Lafayette, and the second in commemoration of John Adams and Thomas Jefferson. From 1827 to 1841, Mr. Webster sat in the Senate of the United States from Massachusetts, and the speech which is the occasion of the present volume was the first of his most considerable triumphs in that body. He then came forward as the protagonist of the Constitution in opposition to those attacks which were soon to take the form of openly proclaimed nullification. His reply to Calhoun, three years later, forms a fit companion speech to the reply to Hayne, though it is not so well remembered. This was the most active period of Webster's career, as is testified by his speeches on the constitutionality of the United States Bank, on the removal of the deposits, on the Subtreasury plan, and on the South Carolina Ordinance of nullification. His renown as a lawyer was still further sustained by his part in the prosecution of the Knapp brothers in the White murder trial (1831).

Mr. Webster passed the larger part of 1839 in Europe, spending the summer and autumn in France and Great Britain, where he received gratifying evidence of the extent of his reputation. President Harrison offered him the choice of a place in his cabinet, and Webster selected the Secretaryship of State. At that time (1841) certain important matters called for the highest ability which the country could command in the direction of foreign affairs, particularly in regard to the New Brunswick and Maine boundary, and the right of search as claimed by England, — one of the questions left unsettled by the War of 1812. To his efforts, aided by the wisdom of Judge Story, is mainly due a successful issue to the tangled negotiations which resulted in the Treaty of Washington.

After a month in office Harrison died, and Tyler, who then became President, was so fortunate as to retain Webster in the cabinet in 1843, in the face of the resignation of

the other members. At no period of his life did Webster act with more independence and courage. It was at this time that he said: "I am, gentlemen, a little hard to coax; but as to being driven, that is out of the question."

Again elected to the Senate in 1844, his efforts were against the approaching war with Mexico, although he did not act in a sectional or contentious spirit. In 1846 (April 6 and 7) he made one of his strongest speeches in defense of the Ashburton Treaty, in which appeared his denunciation of Ingersoll of Pennsylvania. Close upon heavy personal bereavement came the chagrin of General Taylor's nomination. Disgusted with this event, Mr. Webster seemed to take an attitude toward slavery which made it wholly possible for him to part with the Whigs and to range himself as a leader of the Free Soilers, with whose declarations his own were now apparently in accord. So matters went up to the next great crisis in his career, and in reality the decisive one. The contention — during which he delivered his Seventh of March speech — was over the admission of California and New Mexico. By supporting the Compromise of 1850, he sought to avert a danger threatening, as it no doubt appeared to him, the very existence of the Union; he advocated the admission of California, anti-slavery constitution and all; the organization of New Mexico without the application of the Wilmot Proviso;[1] and a new Fugitive Slave Law, by which the slave might have the right of trial by jury. The effect of this speech is well known. The various causes which induced Mr. Webster to take the ground which he did are too complex for discussion here. The speech added nothing to Mr. Webster's strength, except in the South; but, as Mr. Lodge has said, the South was practical, and not in the least quixotic concerning candidates for the presidency. The manhood of the North mainly turned from Mr. Webster, concerning

[1] By the Wilmot Proviso, slavery was to be excluded from all territory thereafter acquired or annexed.

whose integrity there had long been uneasiness. Regarding his later attitude toward slavery this much is certain: there is no moral reconciliation between the Plymouth oration in 1820 and the speech of March 7, 1850. Furthermore, the period of his life best represented by the reply to Hayne is the highest point of his career. From that time there was a decline, sure if insensible, although his course in Tyler's cabinet was beyond criticism.

President Fillmore appointed Webster to the Secretaryship of State, and this office he held until his death. His last great address was at the laying of the corner-stone of the extension of the Capitol on the Fourth of July, 1851; and his last great legal contest was in January, 1852, over the Goodyear patent case, in which he was successful.

This year Mr. Webster failed to get the nomination of the Whig party, which was given to General Scott. He had been a candidate for twelve years and in four successive Whig conventions, but had been balloted for in only two, and his highest vote was only one ninth of the total cast. Mr. Webster was never popular, in the usual sense. In May, 1852, he was thrown from his carriage, and this accident, added to an organic disease and to the chagrin of losing what he felt to be his due, proved to be one cause of his death, which came on October 24 at Marshfield, where he had spent the summer in failing health.

In 1808 Mr. Webster had married Grace Fletcher, who bore him five children. One son, Charles, died in the Mexican War, and one, (David) Fletcher, was killed in battle near Bull Run, August 3, 1862. His second wife was Miss Caroline B. Leroy, whom he married in 1829, the year in which he lost his beloved brother Ezekiel.

Much has been written of Mr. Webster's imposing personal presence, and there is no doubt that in his earlier years this was impressive almost to the point of majesty. But in later life the perception of his relation to the rest of mankind became so distorted as to allow him at times

to adopt a pomposity of manner that was, more than anything else, pathetic. His sense of humor alone would have saved him from this as a younger man, but that saving element seemed to become absorbed into the self-consideration which marked his declining years. The Hon. Mellen Chamberlain, in commenting upon certain phases of Webster's character, says : —

" He was a rustic, yet with marks of gentle blood in his shapely hands and feet, his well-proportioned limbs, and his high-bred face of no known type, unlike even his own brother, who was of Grecian form and face. We know that soil and climate affect character; but it is not easy to accept, save as a poetic theory, the 'pathetic fallacy' with which Wordsworth imbued his generation and our own, that Nature has conscious relations with

' Her foster-child, her inmate, Man,'

and forms his principles and regulates his methods of action agreeably to her own. But Daniel Webster was very like Nature. Like her, he was unethical; like her, he was not revolutionary; and, like her, he applied his powers along the lines of normal development."

Webster's voice never lost the mellow quality which so stirred the audiences of his day; and yet it is hard to believe that this was so large a factor as is generally supposed in the making of his reputation as an orator, when we consider the power which his words have possessed since his voice became still, and since the issues which called them forth have long been dead. Judge Chamberlain may well be quoted again as to the significance of Webster's oratory : —

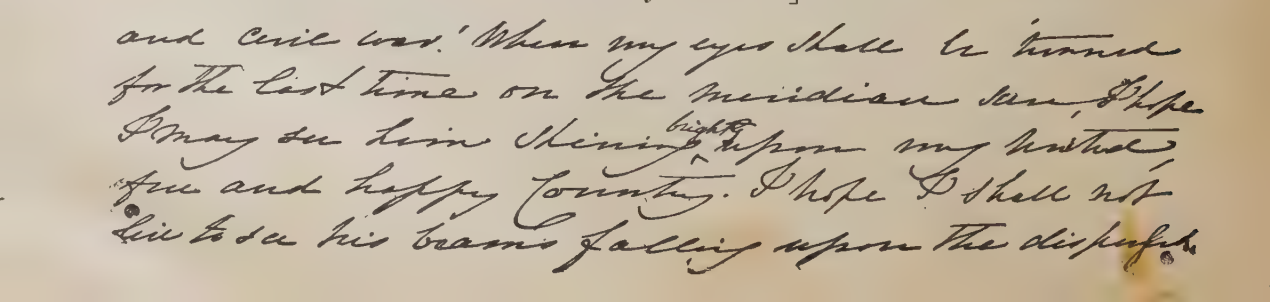
" The inspiration of great endeavor is its immortality; the potency of great achievement is its indestructibleness. The past assures the future. The discourses at Plymouth Rock and at Bunker Hill were not for an hour; nor was the Great Reply. In the days of their utterance they were

resplendent, unprecedented eloquence; but they spoke truest when they became wisdom to Lincoln and valor to Grant; they rang loudest when heard along the front of battle, and inspired deeds of immortal heroism on a hundred fields."

3 NOTE.—When Mr. Webster made his famous Reply to Hayne, his friend, Joseph Gales, took shorthand notes; then Mr. and Mrs. Gales wrote out the speech *in extenso* from these notes; and Mr. Webster, having their report before him, elaborated and completed his utterances according to his own wishes. This result formed the "copy" for the text which was first printed in the "Daily National Intelligencer," a newspaper published in Washington by Gales and Seaton, in the issues of February 23, 25, and 27, 1830. Upon this text were based the subsequent editions, which appeared with as much promptness as was possible at that time; it is probable, however, that the full significance of the Great Debate was slow to dawn upon the people of this country.

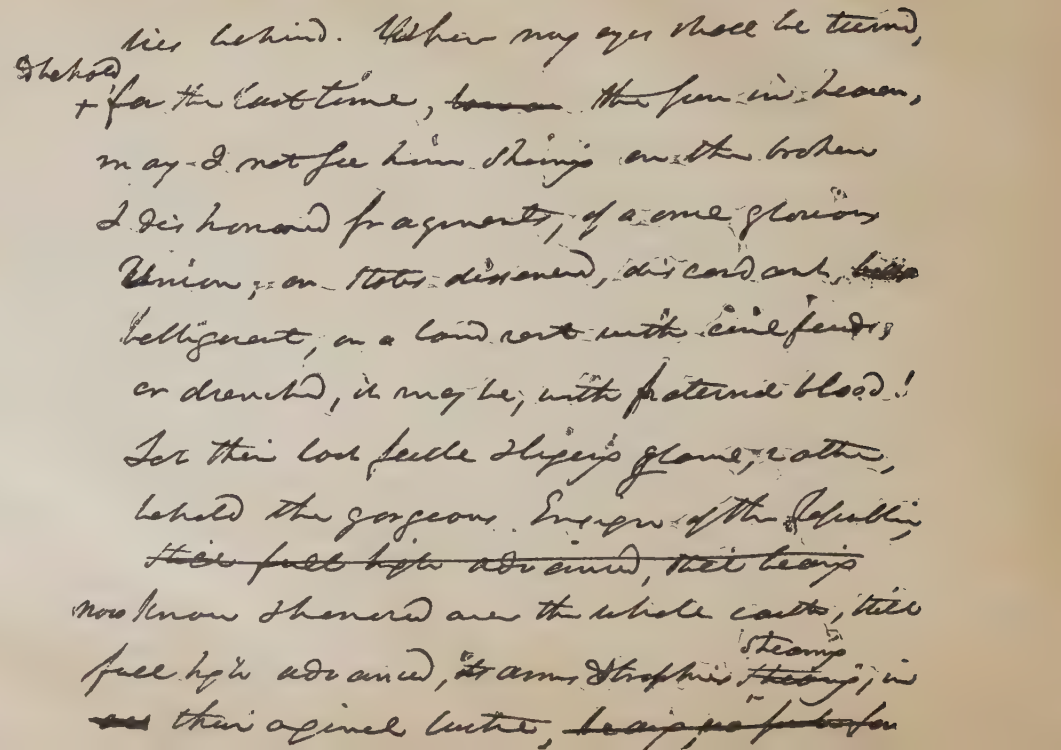
The editor has selected the famous close of the Reply, partly because its solemnity and beauty never tire, but mainly because it shows, by contrast with the Gales version, the growth of the orator's own conceptions. It is a possibility that the reporter's attention may have been so swept off its feet that the notes do not represent Mr. Webster's actual words. However this may be, it is conceded that an orator has the right to treat his spoken words as any artist may his material, and refine upon them at his will. As Webster delivered his glowing words they must have had all the effect which the later refinement conveys to the eye by means of a perfected text. The contrast between the two versions is exceedingly instructive. The present editor, respecting this right of an orator to elaborate his printed words, has chosen the text revised by Mr. Webster himself toward the end of his life, and edited by his friend Edward Everett, although it differs often from Webster's own draught, which was always accessible. ??

[*Facsimile of close of Webster's speech, as written out by Mr. and Mrs. Joseph Gales from the shorthand notes of Mr. Gales.*]


and civil war! When my eyes shall be turned
for the last time on the meridian sun, I hope
I may see him shining bright upon my native
free and happy Country. I hope I shall not
live to see his beams falling upon the dishonor

fragments of ~~the Union~~ the Structure of this once glo-
=rious Union. I hope that I may not see the
flag of my Country, with its Stars separated or Strip-
=ped, torn by commotion, smoking with the blood
of Civil war. I hope I may not see the Standard
raised of separate State rights, Star against Star,
and Stripe against Stripe; but that the flag of the
Union may keep its Stars and its Stripes united and
bound together in indissoluble ties. I hope I shall not
see written, as its motto, First Liberty, and Then
Union. I hope I shall see no such delusive
and deluded motto on the flag of that Country.
I hope to see spread all over it Elsewhere in
folds of light and proudly floating on Land and Sea, that thrilling
sentiment, dear to my heart, "Union and Liberty, now and forever, One and
~~Inseparable~~ Inseparable."

[*Facsimile of close of Webster's speech, as written out by himself.*]



~~to matter no such sacred motto, as that~~
~~in all this world~~ not a stripe around, or
Rockets, nor a light star descend, heaps,
~~&c~~ for its motto, no such miserable
interrogatory, "Or what is all this world,
nor these other words of delusion Holy, Liberty
first, & Union after ards" but only when,
spread all over, in characters of living light,
blazing on all its ample folds, as they
over the Dome of our Capitol, &c
float, on every wind under the whole
heavens, that other sentiment, dear
to every true American heart, Liberty
and Union, now & forever, one & inseparable

SPEECH OF MR. WEBSTER IN REPLY TO MR. HAYNE,

IN THE SENATE, ON FOOTE'S RESOLUTION,

TUESDAY AND WEDNESDAY, JANUARY 26 AND 27, 1830.

I.

MR. PRESIDENT, — When the mariner has been tossed for many days in thick weather and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude and ascertain how far the elements have driven him from his true course. Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate.

The secretary read the resolution, as follows: —

"*Resolved*, That the committee on public lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the minimum price. And, also, whether the office of surveyor-general, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands."

We have thus heard, sir, what the resolution is which is actually before us for consideration; and it will readily occur to every one that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present, — everything general or local, whether belonging to national politics or party politics, — seems to have attracted more or less of the honorable member's attention, save only the resolution before the Senate. He has spoken of everything but the public lands; they have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed on Thursday morning [January 21], it so happened that it would have been convenient for me to be elsewhere.[1] The honorable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which he thus kindly informed us was coming, that we might stand out of the way or prepare ourselves to fall by it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged and has spent its force. It may become me to say no more of its effect than that,

[1] In the Supreme Court, in the case of Carver *v.* Jackson *ex dem.* Astor (4 Peters, 1), better known as Carver's Lessees against John Jacob Astor. Mr. Webster and Greene C. Bronson, the Attorney-General for New York, were for the plaintiff, and David B. Ogden and William Wirt for the defendant. The defendant won.

if nobody is found, after all, either killed or wounded, it is not the first time in the history of human affairs that the vigor and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the Senate, with the emphasis of his hand upon his heart, that there was something rankling *here* which he wished to relieve. [Mr. Hayne rose and disclaimed having used the word *rankling*, but according to Gales and Seaton's "Register of Debates" the word was used.] It would not, Mr. President, be safe for the honorable member to appeal to those around him upon the question whether he did in fact make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honorable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having been in the wrong. There is nothing, either originating *here*, or now received *here* by the gentleman's shot. Nothing originating here, for I had not the slightest feeling of unkindness towards the honorable member. Some passages, it is true, had occurred since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy and forgotten them.[1] I paid the honora-

[1] In the latter part of the preceding session, Webster had called upon President Adams for the instructions to the minis-

ble member the attention of listening with respect to his first speech; and when he sat down, though surprised, and I must even say astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare. Through the whole of the few remarks I made in answer, I avoided, studiously and carefully, everything which I thought possible to be construed into disrespect. And, sir, while there is thus nothing originating *here* which I wished at any time or now wish to discharge, I must repeat also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honorable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were or were not dipped in that which would have caused rankling if they had reached their destination, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honorable member complained that I had slept on his speech. I must have slept on it, or not slept at all. The moment the honorable member sat down, his friend from Missouri [Mr. Benton] rose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that

ters to the Congress of Panama. Though the resolution was defeated, Adams before March 4 sent the documents to the Senate. Hayne had somewhat strongly antagonized Webster and the administration in this matter.

the Senate should adjourn. Would it have been quite amiable in me, sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious if I could have thrust myself forward to destroy sensations thus pleasing? Was it not much better and kinder both to sleep upon them myself and to allow others also the pleasure of sleeping upon them? But, if it be meant by sleeping upon his speech that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the Senate and its meeting the next morning in attention to the subject of this debate. Nevertheless, sir, the mere matter of fact is undoubtedly true. I did sleep on the gentleman's speech and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that in this respect, also, I possess some advantage over the honorable member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well.

But the gentleman inquires why *he* was made the object of such a reply. Why was *he* singled out? If an attack has been made on the East, he, he assures us, did not begin it; it was made by the gentleman from Missouri [Mr. Benton]. Sir, I answered the gentleman's speech because I happened to hear it; and because, also, I chose to give an answer to that speech which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But, sir, this inter-

rogatory of the honorable member was only introductory to another. He proceeded to ask me whether I had turned upon him in this debate from the consciousness that I should find an overmatch if I ventured on a contest with his friend from Missouri. If, sir, the honorable member, *modestiæ gratiâ*, had chosen thus to defer to his friend and to pay him a compliment without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself in debate here. It seems to me, sir, that this is extraordinary language and an extraordinary tone for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a senate, a senate of equals, of men of individual honor and personal character and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion; not

an arena for the exhibitions of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honorable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of *his* friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say on the floor of the Senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honorable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as matter of taunt, I throw it back, and say to the gentleman that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptation. But, sir, if it be imagined that by this mutual quotation and commendation; if it be supposed that, by casting the characters of the drama, assigning to each his part, to one the attack, to another the cry of onset; or if it be thought that by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any or all of these things will shake any purpose of mine, — I can tell the honorable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir,

I shall not allow myself on this occasion, I hope on no occasion, to be betrayed into any loss of temper; but if provoked, as I trust I never shall be, into crimination and recrimination, the honorable member may perhaps find that, in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own; and that his impunity may possibly demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

II. But, sir, the Coalition![1] The Coalition! Ay, "the murdered Coalition!" The gentleman asks if I were led or frighted into this debate by the spectre of the Coalition. "Was it the ghost of the murdered Coalition," he exclaims, "which haunted the member from Massachusetts; and which, like the ghost of Banquo, would never down?" "The murdered Coalition!" Sir, this charge of a coalition, in reference to the late administration, is not original with the honorable member. It did not spring up in the Senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a still lower present condition. It is one of the thousand calumnies with which the press teemed during an excited political canvass. It was a charge of which there was not only no proof or probability, but which was in itself wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was of that class of falsehoods which, by continued repetition, through all the organs of detraction and abuse, are

[1] See the note on page 26 of Hayne's Speech regarding the alleged bargain between the friends of John Quincy Adams and Henry Clay.

capable of misleading those who are already far misled, and of further fanning passion already kindling into flame. Doubtless it served in its day, and in greater or less degree, the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, sir, in the power of the honorable member to give it dignity or decency by attempting to elevate it and to introduce it into the Senate. He cannot change it from what it is, an object of general disgust and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down to the place where it lies itself.

But, sir, the honorable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not *down*. The honorable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong; but, according to my poor recollection, it was at those who had begun with caresses and ended with foul and treacherous murder that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, A ghost! It made itself visible in the right quarter, and compelled the guilty and the conscience-smitten, and none others, to start, with

> "Prithee! see there! behold! — look! lo! . . .
> If I stand here, I saw him." [1]

[1] See Shakespeare's *Macbeth*, act iii. scene 4; the allusions

Their eyeballs were seared (was it not so, sir?) who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness; who had vainly attempted to stifle the workings of their own coward consciences by ejaculating through white lips and chattering teeth, "Thou canst not say I did it!" I have misread the great poet if those who had no way partaken in the deed of the death either found that they were, or *feared that they should be*, pushed from their stools by the ghost of the slain, or exclaimed to a spectre created by their own fears and their own remorse, "Avaunt! and quit our sight!"

There is another particular, sir, in which the honorable member's quick perception of resemblances might, I should think, have seen something in the story of Banquo, making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, — what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification; dust and ashes, the common fate of vaulting ambition overleaping itself? Did not even-handed justice erelong commend the poisoned chalice to their own lips? Did they not soon find that for another they had "'filed their mind"? that their ambition, though apparently for the moment successful, had but put a barren sceptre in their grasp? Ay, sir,

> "a barren sceptre in their gripe,
> *Thence to be wrench'd with an unlineal hand,*
> *No son of theirs succeeding.*"[1]

to Banquo refer to this scene. The allusion to Hamlet's ghost is of course to Hamlet's father, whose name is mentioned in act i. scene 2, line 1, of the play.

See *Macbeth*, act iii. scene 1. A most pointed allusion to

Sir, I need pursue the allusion no farther. I leave the honorable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said I am satisfied also; but that I shall think of. Yes, sir, I will think of that.

In the course of my observations the other day, Mr. President, I paid a passing tribute of respect to a very worthy man, Mr. Dane of Massachusetts. It so happened that he drew the Ordinance of 1787,[1] for the government of the Northwestern Territory. A man of so much ability, and so little pretense; of so great a capacity to do good, and so unmixed a disposition to do it for its own sake; a gentleman who acted an important part, forty years ago, in a measure the influence of which is still deeply felt in the very mat-

Vice-President Calhoun's prospects for the presidency. It was already evident that Van Buren was Jackson's heir apparent, and shortly came the open breach between the President and the Vice-President.

[1] Bancroft's opinion, if sententious, is worth recalling: "Thomas Jefferson first summoned Congress to prohibit slavery in all the territory of the United States; Rufus King lifted up the measure when it lay almost lifeless on the ground, and suggested the immediate instead of the prospective prohibition; a congress composed of five Southern States to one from New England, and two from the Middle States, headed by William Grayson, supported by Richard Henry Lee, and using Nathan Dane as scribe, carried the measure to the goal in the amended form in which King had caused it to be referred to a committee, and, as Jefferson had proposed, placed it under the sanction of an irrevocable compact." *History of the United States* (1885), vi. 290. See also the notes on page 28 of Hayne's Speech.

ter which was the subject of debate, might, I thought, receive from me a commendatory recognition. But the honorable member was inclined to be facetious on the subject. He was rather disposed to make it matter of ridicule that I had introduced into the debate the name of one Nathan Dane, of whom he assures us he had never before heard. Sir, if the honorable member had never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of the country than I had supposed. Let me tell him, however, that a sneer from him at the mention of the name of Mr. Dane is in bad taste. It may well be a high mark of ambition, sir, either with the honorable gentleman or myself, to accomplish as much to make our names known to advantage, and remembered with gratitude, as Mr. Dane has accomplished. But the truth is, sir, I suspect that Mr. Dane lives a little too far north. He is of Massachusetts, and too near the north star to be reached by the honorable gentleman's telescope. If his sphere had happened to range south of Mason and Dixon's line, he might, probably, have come within the scope of his vision.

I spoke, sir, of the Ordinance of 1787, which prohibits slavery, in all future times, northwest of the Ohio, as a measure of great wisdom and foresight, and one which had been attended with highly beneficial and permanent consequences. I supposed that, on this point, no two gentlemen in the Senate could entertain different opinions. But the simple expression of this sentiment has led the gentleman not only into a labored defense of slavery, in the abstract and on principle, but also into a warm accusation against me, as having attacked the system of domestic slavery

now existing in the Southern States. For all this there was not the slightest foundation in anything said or intimated by me. I did not utter a single word which any ingenuity could torture into an attack on the slavery of the South. I said only that it was highly wise and useful, in legislating for the Northwestern country while it was yet a wilderness, to prohibit the introduction of slaves; and added that I presumed there was no reflecting and intelligent person in the neighboring State of Kentucky who would doubt that, if the same prohibition had been extended at the same early period over that commonwealth, her strength and population would at this day have been far greater than they are. If these opinions be thought doubtful, they are nevertheless, I trust, neither extraordinary nor disrespectful. They attack nobody and menace nobody. And yet, sir, the gentleman's optics have discovered, even in the mere expression of this sentiment, what he calls the very spirit of the Missouri question! He represents me as making an onset on the whole South, and manifesting a spirit which would interfere with and disturb their domestic condition!

Sir, this injustice no otherwise surprises me than as it is committed here, and committed without the slightest pretense of ground for it. I say it only surprises me as being done here; for I know full well that it is and has been the settled policy of some persons in the South, for years, to represent the people of the North as disposed to interfere with them in their own exclusive and peculiar concerns. This is a delicate and sensitive point in Southern feeling; and of late years it has always been touched, and generally with effect, whenever the object has been to unite

the whole South against Northern men or Northern measures. This feeling, always carefully kept alive, and maintained at too intense a heat to admit discrimination or reflection, is a lever of great power in our political machine. It moves vast bodies, and gives to them one and the same direction. But it is without adequate cause, and the suspicion which exists is wholly groundless. There is not, and never has been, a disposition in the North to interfere with these interests of the South. Such interference has never been supposed to be within the power of government; nor has it been in any way attempted. The slavery of the South has always been regarded as a matter of domestic policy left with the States themselves, and with which the federal government had nothing to do. Certainly, sir, I am, and ever have been, of that opinion. The gentleman, indeed, argues that slavery in the abstract is no evil. Most assuredly I need not say I differ with him altogether and most widely on that point. I regard domestic slavery as one of the greatest evils, both moral and political. But whether it be a malady, and whether it be curable, and, if so, by what means; or, on the other hand, whether it be the *vulnus immedicabile* of the social system, I leave it to those whose right and duty it is to inquire and to decide. And this I believe, sir, is, and uniformly has been, the sentiment of the North. Let us look a little at the history of this matter.

When the present Constitution was submitted for the ratification of the people, there were those who imagined that the powers of the government which it proposed to establish might, in some possible mode, be exerted in measures tending to the abolition of slavery. This suggestion would of course attract much

attention in the Southern conventions. In that of Virginia, Governor Randolph [1] said: —

"I hope there is none here who, considering the subject in the calm light of philosophy, will make an objection dishonorable to Virginia; that, at the moment they are securing the rights of their citizens, an objection is started that there is a spark of hope that those unfortunate men now held in bondage may, by the operation of the general government, be made free."

At the very first Congress, petitions on the subject were presented, if I mistake not, from different States. The Pennsylvania Society for promoting the abolition of slavery took a lead, and laid before Congress a memorial praying Congress to promote the abolition by such powers as it possessed. This memorial was referred, in the House of Representatives, to a select committee consisting of Mr. Foster of New Hampshire, Mr. Gerry of Massachusetts, Mr. Huntington of Connecticut, Mr. Lawrence of New York, Mr. Sinnickson of New Jersey, Mr. Hartley of Pennsylvania, and Mr. Parker of Virginia; all of them, sir, as you will observe, Northern men but the last. This committee made a report, which was referred to a committee of the whole House, and there considered and discussed for several days; and being amended, although without material alteration, it was made to express three distinct propositions on the subject of slavery and the slave-trade. First, in the words of the Constitution, that Congress could not, prior to the year 1808, prohibit the migration or importation of such persons as any of the States then existing should think proper to admit; and, secondly, that Congress

[1] Edmund Randolph.

had authority to restrain the citizens of the United States from carrying on the African slave-trade for the purpose of supplying foreign countries. On this proposition our early laws against those who engage in that traffic are founded. The third proposition, and that which bears on the present question, was expressed in the following terms: —

"*Resolved*, That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the States; it remaining with the several States alone to provide rules and regulations therein, which humanity and true policy may require."

This resolution received the sanction of the House of Representatives so early as March, 1790. And now, sir, the honorable member will allow me to remind him that not only were the select committee who reported the resolution, with a single exception, all Northern men, but also that, of the members then composing the House of Representatives, a large majority, I believe nearly two thirds, were Northern men also.

The House agreed to insert these resolutions in its journal; and from that day to this it has never been maintained or contended at the North that Congress had any authority to regulate or interfere with the condition of slaves in the several States. No Northern gentleman, to my knowledge, has moved any such question in either house of Congress.

The fears of the South, whatever fears they might have entertained, were allayed and quieted by this early decision; and so remained till they were excited afresh, without cause, but for collateral and indirect purposes. When it became necessary, or was thought

so by some political persons, to find an unvarying ground for the exclusion of Northern men from confidence and from lead in the affairs of the republic, then, and not till then, the cry was raised, and the feeling industriously excited, that the influence of Northern men in the public councils would endanger the relation of master and slave. For myself, I claim no other merit than that this gross and enormous injustice towards the whole North has not wrought upon me to change my opinions or my political conduct. I hope I am above violating my principles, even under the smart of injury and false imputations. Unjust suspicions and undeserved reproach, whatever pain I may experience from them, will not induce me, I trust, to overstep the limits of constitutional duty, or to encroach on the rights of others. The domestic slavery of the Southern States I leave where I find it, — in the hands of their own governments. It is their affair, not mine. Nor do I complain of the peculiar effect which the magnitude of that population has had in the distribution of power under this federal government. We know, sir, that the representation of the States in the other house is not equal. We know that great advantage in that respect is enjoyed by the slave-holding States; and we know, too, that the intended equivalent for that advantage, that is to say, the imposition of direct taxes in the same ratio, has become merely nominal, the habit of the government being almost invariably to collect its revenue from other sources and in other modes. Nevertheless, I do not complain; nor would I countenance any movement to alter this arrangement of representation. It is the original bargain, the compact; let it stand; let the advantage of it be fully enjoyed.

The Union itself is too full of benefit to be hazarded in propositions for changing its original basis. I go for the Constitution as it is, and for the Union as it is. But I am resolved not to submit in silence to accusations, either against myself individually or against the North, wholly unfounded and unjust; accusations which impute to us a disposition to evade the constitutional compact, and to extend the power of the government over the internal laws and domestic condition of the States. All such accusations, wherever and whenever made, all insinuations of the existence of any such purposes, I know and feel to be groundless and injurious. And we must confide in Southern gentlemen themselves; we must trust to those whose integrity of heart and magnanimity of feeling will lead them to a desire to maintain and disseminate truth, and who possess the means of its diffusion with the Southern public; we must leave it to them to disabuse that public of its prejudices. But in the mean time, for my own part, I shall continue to act justly, whether those towards whom justice is exercised receive it with candor or with contumely.

Having had occasion to recur to the Ordinance of 1787, in order to defend myself against the inferences which the honorable member has chosen to draw from my former observations on that subject, I am not willing now entirely to take leave of it without another remark. It need hardly be said that that paper expresses just sentiments on the great subject of civil and religious liberty. Such sentiments were common, and abound in all our state papers of that day. But this Ordinance did that which was not so common, and which is not, even now, universal; that is, it set forth and declared it to be a high and binding duty

of government itself to encourage schools, and advance the means of education, on the plain reason that religion, morality, and knowledge are necessary to good government, and to the happiness of mankind. One observation further. The important provision incorporated into the Constitution of the United States, and into several of those of the States, and recently, as we have seen, adopted into the reformed Constitution of Virginia,[1] restraining legislative power in questions of private right, and from impairing the obligation of contracts, is first introduced and established, as far as I am informed, as matter of express written constitutional law, in this Ordinance of 1787. And I must add, also, in regard to the author of the Ordinance, who has not had the happiness to attract the gentleman's notice heretofore, nor to avoid his sarcasm now, that he was chairman of that select committee of the old Congress whose report first expressed the strong sense of that body that the old Confederation was not adequate to the exigencies of the country, and recommended to the States to send delegates to the convention which formed the present Constitution.

An attempt has been made to transfer from the North to the South the honor of this exclusion of slavery from the Northwestern Territory.[2] The jour-

[1] Adopted by convention on January 14, 1830, and ratified by the people in April of the same year.

[2] This refers to Mr. Benton, who again took up this portion of Mr. Webster's speech on May 21, and once more in his *Thirty Years' View*, vol. i. chap. xliv., wherein he convicts Webster of important errors, in particular showing that only six States voted in the affirmative (the vote of New Jersey remaining uncounted), and that only seven States were necessary to pass the anti-slavery clause.

nal, without argument or comment, refutes such attempt. The cession by Virginia [1] was made in March, 1784. On the 19th of April following, a committee, consisting of Messrs. Jefferson, Chase, and Howell, reported a plan for a temporary government of the Territory, in which was this article: "That, after the year 1800, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes whereof the party shall have been convicted." Mr. Spaight of North Carolina moved to strike out this paragraph. The question was put, according to the form then practiced: "Shall these words stand as a part of the plan?" New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania — seven States — voted in the affirmative; Maryland, Virginia, and South Carolina, in the negative. North Carolina was divided. As the consent of nine States was necessary, the words could not stand, and were struck out accordingly. Mr. Jefferson voted for the clause, but was overruled by his colleagues.

In March of the next year (1785), Mr. King of Massachusetts, seconded by Mr. Ellery of Rhode Island, proposed the formerly rejected article, with this addition: "And that this regulation shall be an article of compact, and remain a fundamental principle of the Constitutions between the thirteen original States and each of the States described in the resolve." On this clause, which provided the adequate and thorough security, the eight Northern States at that time voted affirmatively, and the four Southern

[1] In regard to the various cessions, see Hinsdale's *Old Northwest*, chaps. xii., xiii., particularly pp. 227–245 as regards Virginia.

States negatively. The votes of nine States were not yet obtained, and thus the provision was again rejected by the Southern States. The perseverance of the North held out, and two years afterwards the object was attained. It is no derogation from the credit, whatever that may be, of drawing the Ordinance, that its principles had before been prepared and discussed in the form of resolutions. If one should reason in that way, what would become of the distinguished honor of the author of the Declaration of Independence? There is not a sentiment in that paper which had not been voted and resolved in the assemblies and other popular bodies in the country over and over again.

But the honorable member has now found out that this gentleman, Mr. Dane, was a member of the Hartford Convention. However uninformed the honorable member may be of characters and occurrences at the North, it would seem that he has at his elbow on this occasion some high-minded and lofty spirit, some magnanimous and true-hearted monitor, possessing the means of local knowledge, and ready to supply the honorable member with everything, down even to forgotten and moth-eaten twopenny pamphlets, which may be used to the disadvantage of his own country. But as to the Hartford Convention, sir, allow me to say that the proceedings of that body seem now to be less read and studied in New England than farther South. They appear to be looked to, not in New England, but elsewhere, for the purpose of seeing how far they may serve as a precedent. But they will not answer the purpose; they are quite too tame. The latitude in which they originated was too cold. Other conventions, of more recent existence, have gone a

whole bar's length beyond it. The learned doctors of Colleton and Abbeville[1] have pushed their commentaries on the Hartford collect so far that the original text-writers are thrown entirely into the shade. I have nothing to do, sir, with the Hartford Convention. Its journal, which the gentleman has quoted, I never read. So far as the honorable member may discover in its proceedings a spirit in any degree resembling that which was avowed and justified in those other conventions to which I have alluded, or so far as those proceedings can be shown to be disloyal to the Constitution, or tending to disunion, so far I shall be as ready as any one to bestow on them reprehension and censure.

Having dwelt long on this convention, and other occurrences of that day, in the hope, probably (which will not be gratified), that I should leave the course of this debate to follow him at length in those excursions, the honorable member returned, and attempted another object. He referred to a speech of mine in the other house, the same which I had occasion to allude to myself the other day; and has quoted a passage or two from it, with a bold though uneasy and laboring air of confidence, as if he had detected in me an inconsistency. Judging from the gentleman's manner, a stranger to the course of the debate and to the point in discussion would have imagined, from so triumphant a tone, that the honorable member was

[1] Hayne was born in Colleton District, and Calhoun in Abbeville District, South Carolina. The allusion, however, is probably to the anti-tariff meetings in South Carolina, particularly one at Walterborough, the capital of Colleton District, on June 12, 1828, and one at Abbeville Court House, the capital of Abbeville District, on September 25, 1828.

about to overwhelm me with a manifest contradiction. Any one who heard him, and who had not heard what I had in fact previously said, must have thought me routed and discomfited, as the gentleman had promised. Sir, a breath blows all this triumph away. There is not the slightest difference in the purport of my remarks on the two occasions. What I said here on Wednesday is in exact accordance with the opinion expressed by me in the other house in 1825. Though the gentleman had the metaphysics of Hudibras, though he were able

> "to sever and divide
> A hair 'twixt north and northwest side,"[1]

he yet could not insert his metaphysical scissors between the fair reading of my remarks in 1825 and what I said here last week. There is not only no contradiction, no difference, but, in truth, too exact a similarity, both in thought and language, to be entirely in just taste. I had myself quoted the same speech; had recurred to it, and spoke with it open before me; and much of what I said was little more than a repetition from it. In order to make finishing work with this alleged contradiction, permit me to recur to the origin of this debate, and review its course. This seems expedient, and may be done as well now as at any time.

Well, then, its history is this: The honorable member from Connecticut moved a resolution which constitutes the first branch of that which is now before us; that is to say, a resolution instructing the committee on public lands to inquire into the expediency

[1] "He could distinguish and divide
A hair 'twixt south and southwest side."
BUTLER'S *Hudibras*, pt. i. canto 1, lines 67, 68.

of limiting for a certain period the sales of the public lands to such as have heretofore been offered for sale; and whether sundry offices connected with the sales of the lands might not be abolished without detriment to the public service. In the progress of the discussion which arose on this resolution, an honorable member from New Hampshire [1] moved to amend the resolution so as entirely to reverse its object; that is, to strike it all out, and insert a direction to the committee to inquire into the expediency of adopting measures to hasten the sales, and extend more rapidly the surveys of the lands.

The honorable member from Maine [2] suggested that both those propositions might well enough go for consideration to the committee; and in this state of the question the member from South Carolina addressed the Senate in his first speech. He rose, he said, to give us his own free thoughts on the public lands. I saw him rise with pleasure, and listened with expectation, though before he concluded I was filled with surprise. Certainly I was never more surprised than to find him following up, to the extent he did, the sentiments and opinions which the gentleman from Missouri had put forth, and which it is known he has long entertained.

I need not repeat at large the general topics of the honorable gentleman's speech. When he said yesterday that he did not attack the Eastern States, he certainly must have forgotten, not only particular remarks, but the whole drift and tenor of his speech; unless he means, by not attacking, that he did not commence hostilities, but that another had preceded him in the attack. He in the first place disapproved

[1] Levi Woodbury. [2] Peleg Sprague.

of the whole course of the government for forty years in regard to its disposition of the public lands; and then, turning northward and eastward, and fancying he had found a cause for alleged narrowness and niggardliness in the "accursed policy" of the tariff, to which he represented the people of New England as wedded, he went on for a full hour with remarks the whole scope of which was to exhibit the results of this policy in feelings and in measures unfavorable to the West. I thought his opinions unfounded and erroneous as to the general course of the government, and ventured to reply to them.

The gentleman had remarked on the analogy of other cases, and quoted the conduct of European governments towards their own subjects settling on this continent as in point, to show that we had been harsh and rigid in selling, when we should have given the public lands to settlers without price. I thought the honorable member had suffered his judgment to be betrayed by a false analogy; that he was struck with an appearance of resemblance where there was no real similitude. I think so still. The first settlers of North America were enterprising spirits, engaged in private adventure, or fleeing from tyranny at home. When arrived here, they were forgotten by the mother country, or remembered only to be oppressed. Carried away again by the appearance of analogy, or struck with the eloquence of the passage, the honorable member yesterday observed that the conduct of government toward the Western emigrants, or my representation of it, brought to his mind a celebrated speech in the British Parliament. It was, sir, the speech of Colonel Barré. On the question of the

Stamp Act,[1] or tea tax, I forget which, Colonel Barré had heard a member on the Treasury bench argue that the people of the United States, being British colonists, planted by the maternal care, nourished by the indulgence and protected by the arms of England, would not grudge their mite to relieve the mother country from the heavy burden under which she groaned. The language of Colonel Barré in reply to this was: "They planted by your care? Your oppression planted them in America. They fled from your tyranny, and grew by your neglect of them. So soon as you began to care for them, you showed your care by sending persons to spy out their liberties, misrepresent their character, prey upon them, and eat out their substance."

And how does the honorable gentleman mean to maintain that language like this is applicable to the conduct of the government of the United States toward the Western emigrants, or to any representation given by me of that conduct? Were the settlers in the West driven thither by our oppression? Have they flourished only by our neglect of them? Has the government done nothing but prey upon them and eat out their substance? Sir, this fervid eloquence of the British speaker, just when and where it was uttered, and fit to remain an exercise for the schools, is not a little out of place when it is brought thence to be applied here to the conduct of our own

[1] This was the speech of Colonel Isaac Barré in reply to Grenville during the passage of the Stamp Act (*Parliamentary History of England*, xvi. 38). In this speech occurred the expression "sons of liberty," which was speedily adopted by the famous society of that name. Barré was in speech as potent for invective as was Junius with his pen. See also Hayne's Speech (pp. 27 *n.*, 28 *n.*).

country toward her own citizens. From America to England, it may be true; from Americans to their own government, it would be strange language. Let us leave it to be recited and declaimed by our boys against a foreign nation; not introduce it here, to recite and declaim ourselves against our own.

But I come to the point of the alleged contradiction. In my remarks on Wednesday I contended that we could not give away gratuitously all the public lands; that we held them in trust; that the government had solemnly pledged itself to dispose of them as a common fund for the common benefit, and to sell and settle them as its discretion should dictate. Now, sir, what contradiction does the gentleman find to this sentiment in the speech of 1825? He quotes me as having then said that we ought not to hug these lands as a very great treasure. Very well, sir, supposing me to be accurately reported in that expression, what is the contradiction? I have not now said that we should hug these lands as a favorite source of pecuniary income. No such thing. It is not my view. What I have said, and what I do say, is, that they are a common fund, to be disposed of for the common benefit, to be sold at low prices for the accommodation of settlers, keeping the object of settling the lands as much in view as that of raising money from them. This I say now, and this I have always said. Is this hugging them as a favorite treasure? Is there no difference between hugging and hoarding this fund, on the one hand, as a great treasure, and on the other of disposing of it at low prices, placing the proceeds in the general treasury of the Union? My opinion is that as much is to be made of the land as fairly and reasonably may be, selling it all the while at such

rates as to give the fullest effect to settlement.[1] This is not giving it all away to the States, as the gentleman would propose; nor is it hugging the fund closely and tenaciously, as a favorite treasure; but it is, in my judgment, a just and wise policy, perfectly according with all the various duties which rest on government. So much for my contradiction. And what is it? Where is the ground of the gentleman's triumph? What inconsistency in word or doctrine has he been able to detect? Sir, if this be a sample of that discomfiture with which the honorable gentleman threatened me, commend me to the word "discomfiture" for the rest of my life.

But, after all, this is not the point of the debate, and I must now bring the gentleman back to that which is the point.

The real question between me and him is, Has the doctrine been advanced at the South or at the East that the population of the West should be retarded, or at least need not be hastened, on account of its effect to drain off the people from the Atlantic States? Is this doctrine, as has been alleged, of Eastern origin? That is the question. Has the gentleman found anything by which he can make good his accusation? I submit to the Senate that he has entirely failed; and, as far as this debate has shown, the only person who has advanced such sentiments is a gentleman from South Carolina, and a friend to the honorable member

[1] The whole subject of the public lands is admirably covered by Worthington C. Ford in Lalor's *Cyclopædia of Political Science*, iii. 460 *et seq.* See, as well, Benton's *Abridgment of Debates*, the Reports of the General Land Office and of the Public Land Commission; and particularly the latter's comprehensive work, *The Public Domain*, prepared by Thomas Donaldson (1884), and *American State Papers* (volumes relating to public lands).

himself. The honorable gentleman has given no answer to this; there is none which can be given. This simple fact, while it requires no comment to enforce it, defies all argument to refute it. I could refer to the speeches of another Southern gentleman [1] in years before, of the same general character and to the same effect as that which has been quoted; but I will not consume the time of the Senate by the reading of them.

So, then, sir, New England is guiltless of the policy of retarding Western population, and of all envy and jealousy of the growth of the new States. Whatever there be of that policy in the country, no part of it is hers. If it has a local habitation, the honorable member has probably seen by this time where to look for it; and if it now has received a name, he has himself christened it.

We approach at length, sir, to a more important part of the honorable gentleman's observations. Since it does not accord with my views of justice and policy to give away the public lands altogether, as a mere matter of gratuity, I am asked by the honorable gentleman on what ground it is that I consent to vote them away in particular instances. How, he inquires, do I reconcile with these professed sentiments my support of measures appropriating portions of the lands to particular roads, particular canals, particular rivers, and particular institutions of education in the West? This leads, sir, to the real and wide difference in political opinion between the honorable

[1] Probably a reference to George McDuffie, afterward governor of South Carolina and eulogist of Mr. Hayne. In 1825 he made a speech from which Webster quotes in his first speech (of January 20).

gentleman and myself. On my part, I look upon all these objects as connected with the common good, fairly embraced in its object and its terms; he, on the contrary, deems them all, if good at all, only local good. This is our difference. The interrogatory, which he proceeded to put, at once explains this difference. "What interest," asks he, "has South Carolina in a canal in Ohio?" Sir, this very question is full of significance. It develops the gentleman's whole political system, and its answer expounds mine. Here we differ. I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. The gentleman thinks otherwise, and this is the key to his construction of the powers of the government. He may well ask what interest has South Carolina in a canal in Ohio. On his system, it is true, she has no interest. On that system, Ohio and Carolina are different governments and different countries, connected here, it is true, by some slight and ill-defined bond of union, but in all main respects separate and diverse. On that system, Carolina has no more interest in a canal in Ohio than in Mexico. The gentleman, therefore, only follows out his own principles; he does no more than arrive at the natural conclusions of his own doctrines; he only announces the true results of that creed which he has adopted himself, and would persuade others to adopt, when he thus declares that South Carolina has no interest in a public work in Ohio.

Sir, we narrow-minded people of New England do not reason thus. Our *notion* of things is entirely

different. We look upon the States, not as separated, but as united. We love to dwell on that union, and on the mutual happiness which it has so much promoted, and the common renown which it has so greatly contributed to acquire. In our contemplation, Carolina and Ohio are parts of the same country; States united under the same general government, having interests common, associated, intermingled. In whatever is within the proper sphere of the constitutional power of this government, we look upon the States as one. We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains and lines of latitude to find boundaries beyond which public improvements do not benefit us. We, who come here as agents and representatives of these narrow-minded and selfish men of New England, consider ourselves as bound to regard with an equal eye the good of the whole, in whatever is within our power of legislation. Sir, if a railroad or canal, beginning in South Carolina and ending in South Carolina, appeared to me to be of national importance and national magnitude, believing, as I do, that the power of government extends to the encouragement of works of that description, if I were to stand up here and ask, What interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents. These same narrow-minded men would tell me that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be intrusted with the interest of any part.

Sir, I do not desire to enlarge the powers of the

government by unjustifiable construction, nor to exercise any not within a fair interpretation. But when it is believed that a power does exist, then it is, in my judgment, to be exercised for the general benefit of the whole. So far as respects the exercise of such a power, the States are one. It was the very object of the Constitution to create unity of interests to the extent of the powers of the general government. In war and peace we are one; in commerce one; because the authority of the general government reaches to war and peace, and to the regulation of commerce. I have never seen any more difficulty in erecting lighthouses on the lakes than on the ocean; in improving the harbors of inland seas than if they were within the ebb and flow of the tide; or in removing obstructions in the vast streams of the West, more than in any work to facilitate commerce on the Atlantic coast. If there be any power for one, there is power also for the other; and they are all and equally for the common good of the country.

There are other objects apparently more local, or the benefit of which is less general, towards which, nevertheless, I have concurred with others to give aid by donations of land. It is proposed to construct a road in or through one of the new States in which this government possesses large quantities of land. Have the United States no right, or, as a great and untaxed proprietor, are they under no obligation to contribute to an object thus calculated to promote the common good of all the proprietors, themselves included? And even with respect to education, which is the extreme case, let the question be considered. In the first place, as we have seen, it was made matter of compact with these States that they should do

their part to promote education. In the next place, our whole system of land laws proceeds on the idea that education is for the common good;[1] because, in every division, a certain portion is uniformly reserved and appropriated for the use of schools. And, finally, have not these new States singularly strong claims, founded on the ground already stated, that the government is a great untaxed proprietor in the ownership of the soil? It is a consideration of great importance that probably there is in no part of the country or of the world so great a call for the means of education as in those new States, owing to the vast number of persons within those ages in which education and instruction are usually received, if received at all. This is the natural consequence of recency of settlement and rapid increase. The census of these States shows how great a proportion of the whole population occupies the classes between infancy and manhood. These are the wide fields, and here is the deep and quick soil for the seeds of knowledge and virtue; and this is the favored season, the springtime for sowing them. Let them be disseminated without stint. Let them be scattered with a bountiful hand broadcast. Whatever the government can fairly do towards these objects, in my opinion, ought to be done.

These, sir, are the grounds, succinctly stated, on which my votes for grants of lands for particular objects rest; while I maintain at the same time that it is all a common fund, for the common benefit. And reasons like these, I presume, have influenced the votes of other gentlemen from New England. Those

[1] See G. W. Knight's "History and Management of Land granted for Education" (*American Historical Association Papers*, vol. i. no. 3, 1884), which contains a full list of books on this topic.

who have a different view of the powers of the government, of course, come to different conclusions on these as on other questions. I observed, when speaking on this subject before, that if we looked to any measure, whether for a road, a canal, or anything else intended for the improvement of the West, it would be found that, if the New England *ayes* were struck out of the list of votes, the Southern *noes* would always have rejected the measure. The truth of this has not been denied and cannot be denied. In stating this I thought it just to ascribe it to the constitutional scruples of the South, rather than to any other less favorable or less charitable cause. But no sooner had I done this than the honorable gentleman asks if I reproach him and his friends with their constitutional scruples? Sir, I reproach nobody. I stated a fact, and gave the most respectful reason for it that occurred to me. The gentleman cannot deny the fact; he may, if he choose, disclaim the reason. It is not long since I had occasion, in presenting a petition from his own State,[1] to account for its being intrusted to my hands, by saying that the constitutional opinions of the gentleman and his worthy colleague prevented them from supporting it. Sir, did I state this as a matter of reproach? Far from it. Did I attempt to find any other cause than an honest one for these scruples? Sir, I did not. It did not become me to doubt or to insinuate that the gentleman had either changed his sentiments, or that he had made up a set of constitutional opinions accommodated to

[1] From the South Carolina Canal and Railroad Company, presented January 18, 1830, and asking Congress to authorize a subscription on the part of government of 25,000 shares of the capital stock.

any particular combination of political occurrences. Had I done so, I should have felt that, while I was entitled to little credit in thus questioning other people's motives, I justified the whole world in suspecting my own. But how has the gentleman returned this respect for others' opinions? His own candor and justice, — how have they been exhibited towards the motives of others while he has been at so much pains to maintain what nobody has disputed, — the purity of his own? Why, sir, he has asked *when*, and *how*, and *why* New England votes were found going for measures favorable to the West; he has demanded to be informed whether all this did not begin in 1825, and while the election of President was still pending.

Sir, to these questions retort would be justified; and it is both cogent and at hand. Nevertheless, I will answer the inquiry, not by retort, but by facts. I will tell the gentleman *when*, and *how*, and *why* New England has supported measures favorable to the West. I have already referred to the early history of the government, to the first acquisition of the lands, to the original laws for disposing of them, and for governing the territories where they lie; and have shown the influence of New England men and New England principles in all these leading measures. I should not be pardoned were I to go over that ground again. Coming to more recent times, and to measures of a less general character, I have endeavored to prove that everything of this kind, designed for Western improvement, has depended on the votes of New England; all this is true beyond the power of contradiction. And now, sir, there are two measures to which I will refer, not so ancient as to belong to the early history of the public lands, and not so recent

as to be on this side of the period when the gentleman charitably imagines a new direction may have been given to New England feeling and New England votes. These measures, and the New England votes in support of them, may be taken as samples and specimens of all the rest.

In 1820 (observe, Mr. President, in 1820), the people of the West besought Congress for a reduction in the price of lands. In favor of that reduction, New England, with a delegation of forty members in the other house, gave thirty-three votes, and one only against it. The four Southern States, with more than fifty members, gave thirty-two votes for it and seven against it. Again, in 1821 (observe again, sir, the time), the law passed for the relief of the purchasers of the public lands. This was a measure of vital importance to the West, and more especially to the Southwest. It authorized the relinquishment of contracts for lands which had been entered into at high prices, and a reduction in other cases of not less than thirty-seven and a half per cent. on the purchase-money. Many millions of dollars — six or seven, I believe, probably much more — were relinquished by this law. On this bill, New England, with her forty members, gave more affirmative votes than the four Southern States, with their fifty-two or fifty-three members. These two are far the most important general measures respecting the public lands which have been adopted within the last twenty years. They took place in 1820 and 1821. That is the time *when*.[1]

[1] In 1821 memorials were presented for the relief of settlers. At a minimum, set in 1800, of two dollars an acre, of which the whole sum was to be paid within four years, there was to be a forfeiture of all payments in case of delinquency. Owing to

As to the manner *how*, the gentleman already sees that it was by voting in solid column for the required relief. And, lastly, as to the cause *why*, I tell the gentleman it was because the members from New England thought the measures just and salutary; because they entertained towards the West neither envy, hatred, nor malice; because they deemed it becoming them, as just and enlightened men, to meet the exigency which had arisen in the West with the appropriate measure of relief; because they felt it due to their own characters, and the characters of their New England predecessors in this government, to act towards the new States in the spirit of a liberal, patronizing, magnanimous policy. So much, sir, for the cause *why;* and I hope that by this time, sir, the honorable gentleman is satisfied; if not, I do not know *when*, or *how*, or *why* he ever will be.

Having recurred to these two important measures in answer to the gentleman's inquiries, I must now beg permission to go back to a period somewhat earlier, for the purpose of still further showing how much, or rather how little, reason there is for the gentleman's insinuation that political hopes or fears, or party associations, were the grounds of these New England votes. And after what has been said, I hope it may be forgiven me if I allude to some political opinions and votes of my own, of very little public importance certainly, but which, from the time at which they were

speculations, in which small payments only had been made, depression and then failures ensued. More than twenty-three millions of dollars were owed the government. On this debt extensions had been made, and in 1820 the minimum price was reduced to $1.25 an acre, and the credit changed to a cash system. Settlers were encouraged to buy of government at this reduced price.

given and expressed, may pass for good witnesses on this occasion.

This government, Mr. President, from its origin to the peace of 1815, had been too much engrossed with various other important concerns to be able to turn its thoughts inward, and look to the development of its vast internal resources. In the early part of President Washington's administration, it was fully occupied with completing its own organization, providing for the public debt, defending the frontiers, and maintaining domestic peace. Before the termination of that administration, the fires of the French Revolution blazed forth, as from a new-opened volcano, and the whole breadth of the ocean did not secure us from its effects. The smoke and the cinders reached us, though not the burning lava. Difficult and agitating questions, embarrassing to government and dividing public opinion, sprung out of the new state of our foreign relations, and were succeeded by others, and yet again by others, equally embarrassing and equally exciting division and discord, through the long series of twenty years, till they finally issued in the war with England. Down to the close of that war, no distinct, marked, and deliberate attention had been given, or could have been given, to the internal condition of the country, its capacities of improvement, or the constitutional power of the government in regard to objects connected with such improvement.

The peace, Mr. President, brought about an entirely new and a most interesting state of things; it opened to us other prospects and suggested other duties. We ourselves were changed, and the whole world was changed. The pacification of Europe, after June, 1815, assumed a firm and permanent aspect. The

nations evidently manifested that they were disposed for peace. Some agitation of the waves might be expected even after the storm had subsided, but the tendency was, strongly and rapidly, toward settled repose.

It so happened, sir, that I was at that time a member of Congress, and, like others, naturally turned my thoughts to the contemplation of the recently altered condition of the country and of the world. It appeared plainly enough to me, as well as to wiser and more experienced men, that the policy of the government would naturally take a start in a new direction; because new directions would necessarily be given to the pursuits and occupations of the people. We had pushed our commerce far and fast, under the advantage of a neutral flag. But there were now no longer flags, either neutral or belligerent. The harvest of neutrality had been great, but we had gathered it all. With the peace of Europe, it was obvious there would spring up in her circle of nations a revived and invigorated spirit of trade, and a new activity in all the business and objects of civilized life. Hereafter, our commercial gains were to be earned only by success in a close and intense competition. Other nations would produce for themselves, and carry for themselves, and manufacture for themselves, to the full extent of their abilities. The crops of our plains would no longer sustain European armies, nor our ships longer supply those whom war had rendered unable to supply themselves. It was obvious that, under these circumstances, the country would begin to survey itself, and to estimate its own capacity of improvement.

And this improvement, — how was it to be accomplished, and who was to accomplish it? We were ten

or twelve millions of people, spread over almost half a world. We were more than twenty States, some stretching along the same seaboard, some along the same line of inland frontier, and others on opposite banks of the same vast rivers. Two considerations at once presented themselves with great force in looking at this state of things. One was, that that great branch of improvement which consisted in furnishing new facilities of intercourse necessarily ran into different States in every leading instance, and would benefit the citizens of all such States. No one State, therefore, in such cases, would assume the whole expense, nor was the coöperation of several States to be expected. Take the instance of the Delaware breakwater.[1] It will cost several millions of money. Would Pennsylvania alone ever have constructed it? Certainly never, while this Union lasts, because it is not for her sole benefit. Would Pennsylvania, New Jersey, and Delaware have united to accomplish it at their joint expense? Certainly not, for the same reason. It could not be done, therefore, but by the general government. The same may be said of the large inland undertakings, except that, in them, government, instead of bearing the whole expense, coöperates with others who bear a part. The other consideration is that the United States have the means. They enjoy the revenues derived from commerce, and the States have no abundant and easy sources of public income. The custom-houses fill the general treasury, while the

[1] In the first report on plans for a harbor near the mouth of Delaware Bay, made on February 2, 1829, by a commission appointed by Congress, Cape Henlopen was selected as the site of a breakwater. Work was begun in 1829, under the direction of William Strickland. On November 4, 1869, the work was finished according to the original project.

States have scanty resources, except by resort to heavy direct taxes.

Under this view of things, I thought it necessary to settle, at least for myself, some definite notions with respect to the powers of the government in regard to internal affairs. It may not savor too much of self-commendation to remark that, with this object, I considered the Constitution, its judicial construction, its contemporaneous exposition, and the whole history of the legislation of Congress under it; and I arrived at the conclusion that government had power to accomplish sundry objects, or aid in their accomplishment, which are now commonly spoken of as INTERNAL IMPROVEMENTS. That conclusion, sir, may have been right, or it may have been wrong. I am not about to argue the grounds of it at large. I say only that it was adopted and acted on even so early as in 1816. Yes, Mr. President, I made up my opinion, and determined on my intended course of political conduct, on these subjects, in the Fourteenth Congress, in 1816. And now, Mr. President, I have further to say that I made up these opinions, and entered on this course of political conduct, *Teucro duce.*[1] Yes, sir, I pursued

[1] "Nil desperandum Teucro duce et auspice Teucro" (nothing is to be despaired of under the leadership and auspices of Teucer) is from Horace's Odes, book i. carmen vii. line 27. Gales's transcript from the shorthand report reads as follows: "I made up my mind on that subject, *te duce.*" Mrs. Jared Sparks, daughter of Senator Silsbee, Mr. Webster's colleague, in a communication to the *Boston Transcript* of June 5, 1882, says that Mr. Calhoun challenged the expression *te duce,* and that Mr. Webster denied any intentional allusion to the chair, and affirmed that his expression was *Teucro duce.* To whom he did allude is uncertain. Teucer, a famous archer, was the son of Telamon and step-brother of Ajax. Regarding Mr. Calhoun's interruption see the note on p. 159.

in all this a South Carolina track on the doctrines of internal improvement. South Carolina, as she was then represented in the other house, set forth in 1816 under a fresh and leading breeze, and I was among the followers. But if my leader sees new lights and turns a sharp corner, unless I see new lights also, I keep straight on in the same path. I repeat that leading gentlemen from South Carolina were first and foremost in behalf of the doctrines of internal improvements, when those doctrines came first to be considered and acted upon in Congress. The debate on the bank question, on the tariff of 1816, and on the direct tax will show who was who, and what was what, at that time.

The tariff of 1816 (one of the plain cases of oppression and usurpation, from which, if the government does not recede, individual States may justly secede from the government) is, sir, in truth, a South Carolina tariff, supported by South Carolina votes. But for those votes it could not have passed in the form in which it did pass; whereas, if it had depended on Massachusetts votes, it would have been lost. Does not the honorable gentleman well know all this? There are certainly those who do, full well, know it all. I do not say this to reproach South Carolina. I only state the fact; and I think it will appear to be true that, among the earliest and boldest advocates of the tariff, as a measure of protection, and on the express ground of protection, were leading gentlemen of South Carolina in Congress. I did not then, and cannot now, understand their language in any other sense. While this tariff of 1816 was under discussion in the House of Representatives, an honorable gentleman from Georgia,[1] now of this house, moved to

[1] John Forsyth.

reduce the proposed duty on cotton. He failed by four votes, South Carolina giving three votes (enough to have turned the scale) against his motion. The act, sir, then passed, and received on its passage the support of a majority of the Representatives of South Carolina present and voting. This act is the first in the order of those now denounced as plain usurpations. We see it daily in the list, by the side of those of 1824 and 1828, as a case of manifest oppression, justifying disunion. I put it home to the honorable member from South Carolina, that his own State was not only "art and part" in this measure, but the *causa causans*.[1] Without her aid, this seminal principle of mischief, this root of Upas, could not have been planted. I have already said, and it is true, that this act proceeded on the ground of protection. It interfered directly with existing interests of great value and amount. It cut up the Calcutta cotton trade by the roots, but it passed nevertheless, and it passed on the principle of protecting manufactures, on the principle against free trade, on the principle opposed to that *which lets us alone*.[2]

Such, Mr. President, were the opinions of important and leading gentlemen from South Carolina on the subject of internal improvement in 1816. I went out of Congress the next year, and, returning again in 1823, thought I found South Carolina where I had left her. I really supposed that all things remained as they were, and that the South Carolina doctrine

[1] The real effective cause. (Stroud's *Judicial Dictionary*.) And so the cause of the thing causing is the cause of the effect. See Massachusetts Reports, 4 Gray, 398.

[2] This allusion to the *laissez-faire* theory could not have been so obvious then as now.

of internal improvements would be defended by the same eloquent voices, and the same strong arms, as formerly. In the lapse of these six years, it is true, political associations had assumed a new aspect and new divisions. A strong party had arisen in the South hostile to the doctrine of internal improvements. Anti-consolidation was the flag under which this party fought; and its supporters inveighed against internal improvements, much after the manner in which the honorable gentleman has now inveighed against them, as part and parcel of the system of consolidation. Whether this party arose in South Carolina itself, or in the neighborhood, is more than I know. I think the latter. However that may have been, there were those found in South Carolina ready to make war upon it, and who did make intrepid war upon it. Names being regarded as things in such controversies, they bestowed on the anti-improvement gentlemen the appellation of Radicals. Yes, sir, the appellation of Radicals, as a term of distinction applicable and applied to those who denied the liberal doctrines of internal improvement, originated, according to the best of my recollection, somewhere between North Carolina and Georgia. Well, sir, these mischievous Radicals were to be put down, and the strong arm of South Carolina was stretched out to put them down. About this time I returned to Congress. The battle with the Radicals had been fought, and our South Carolina champions of the doctrines of internal improvement had nobly maintained their ground, and were understood to have achieved a victory. We looked upon them as conquerors. They had driven back the enemy with discomfiture, — a thing, by the way, sir, which is not always performed when it is promised.

A gentleman to whom I have already referred in this debate had come into Congress, during my absence from it, from South Carolina, and had brought with him a high reputation for ability. He came from a school with which we had been acquainted, *et noscitur a sociis*.[1] I hold in my hand, sir, a printed speech of this distinguished gentleman[2] on "Internal Improvements," delivered about the period to which I now refer, and printed with a few introductory remarks upon consolidation, in which, sir, I think he quite consolidated the arguments of his opponents, the Radicals, if to crush be to consolidate. I give you a short but significant quotation from these remarks. He is speaking of a pamphlet then recently published, entitled "Consolidation;" and, having alluded to the question of renewing the charter of the former Bank of the United States, he says: "Moreover, in the early history of parties, and when Mr. Crawford advocated a renewal of the old charter, it was considered a Federal measure; which internal improvements *never was*, as this author erroneously states. This latter measure originated, in the administration of Mr. Jefferson, with the appropriation for the Cumberland Road, and was first proposed, as a system, by Mr. Calhoun, and carried through the House of Representatives by a large majority of the Republicans, including almost every one of the leading men who carried us through the late war."

So, then, internal improvement[3] is not one of the Federal heresies. One paragraph more, sir: —

[1] Colloquially, "And he is known by the company he keeps."

[2] Mr. McDuffie. See page 139.

[3] The policy of internal improvements, the espousal of which contributed largely to the overturn of the administration of the

"The author in question, not content with denouncing as Federalists General Jackson, Mr. Adams, Mr. Calhoun, and the majority of the South Carolina delegation in Congress, modestly extends the denunciation to Mr. Monroe and the whole Republican party. Here are his words: 'During the administration of Mr. Monroe, much had passed which the Republican party would be glad to approve if they could!! But the principal feature, and that which has chiefly elicited these observations, is the renewal of the SYSTEM OF INTERNAL IMPROVEMENTS.' Now this measure was adopted by a vote of 115 to 86 of a Republican Congress, and sanctioned by a Republican President. Who, then, is this author who assumes the high prerogative of denouncing, in the name of the Republican party, the Republican administration of the country? A denunciation including within its sweep Calhoun, Lowndes, and Cheves, — men who will be regarded as the brightest ornaments of South Carolina, and the strongest pillars of the Republican party, as long as the late war shall be remembered, and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people!!"

Such are the opinions, sir, which were maintained by South Carolina gentlemen in the House of Representatives, on the subject of internal improvements, when I took my seat there as a member from Massachusetts in 1823. But this is not all. We had a bill before us, and passed it in that House, entitled "An act to procure the necessary surveys, plans, and estimates upon the subject of roads and canals." It authorized the President to cause surveys and esti-

second Adams, is concisely treated by Alexander Johnston in an article in Lalor's *Cyclopædia of Political Science*, ii. 568.

mates to be made of the routes of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, and appropriated thirty thousand dollars out of the treasury to defray the expense. This act, though preliminary in its nature, covered the whole ground. It took for granted the complete power of internal improvement, as far as any of its advocates had ever contended for it. Having passed the other house, the bill came up to the Senate, and was here considered and debated in April, 1824. The honorable member from South Carolina was a member of the Senate at that time. While the bill was under consideration here, a motion was made to add the following proviso: "*Provided*, That nothing herein contained shall be construed to affirm *or admit* a power in Congress, on their own authority, to make roads or canals within any of the States of the Union." The yeas and nays were taken on this proviso, and the honorable member voted in the negative! The proviso failed.

A motion was then made to add this proviso, viz.: "*Provided*, That the faith of the United States is hereby pledged that no money shall ever be expended for roads or canals, except it shall be among the several States, and in the same proportion as direct taxes are laid and assessed by the provisions of the Constitution." The honorable member voted against this proviso also, and it failed. The bill was then put on its passage, and the honorable member voted for it, and it passed and became a law.

Now, it strikes me, sir, that there is no maintaining these votes but upon the power of internal improvement, in its broadest sense. In truth, these bills for

surveys and estimates have always been considered as test questions; they show who is for and who against internal improvement. This law itself went the whole length, and assumed the full and complete power. The gentleman's votes sustained that power in every form in which the various propositions to amend presented it. He went for the entire and unrestrained authority, without consulting the States, and without agreeing to any proportionate distribution. And now suffer me to remind you, Mr. President, that it is this very same power, thus sanctioned in every form by the gentleman's own opinion, which is so plain and manifest a usurpation that the State of South Carolina is supposed to be justified in refusing submission to any laws carrying the power into effect. Truly, sir, is not this a little too hard? May we not crave some mercy, under favor and protection of the gentleman's own authority? Admitting that a road or a canal must be written down flat usurpation as was ever committed, may we find no mitigation in our respect for his place, and his vote, as one that knows the law?

The tariff, which South Carolina had an efficient hand in establishing in 1816, and this asserted power of internal improvement advanced by her in the same year, and, as we have seen, approved and sanctioned by her representatives in 1824, — these two measures are the great grounds on which she is now thought to be justified in breaking up the Union, if she sees fit to break it up!

I may now safely say, I think, that we have had the authority of leading and distinguished gentlemen from South Carolina in support of the doctrine of internal improvement. I repeat that, up to 1824, I,

for one, followed South Carolina; but when that star in its ascension veered off in an unexpected direction, I relied on its light no longer. [Here the Vice-President said: "Does the chair understand the gentleman from Massachusetts to say that the person now occupying the chair of the Senate has changed his opinions on the subject of internal improvements?"] [1] From nothing ever said to me, sir, have I had reason to know of any change in the opinions of the person filling the chair of the Senate. If such change has taken place, I regret it. I speak generally of the State of South Carolina. Individuals we know there are who hold opinions favorable to the power. An application for its exercise in behalf of a public work in South Carolina itself is now pending, I believe, in the other house, presented by members from that State.

I have thus, sir, perhaps not without some tediousness of detail, shown, if I am in error on the subjects of internal improvement, how and in what company I fell into that error. If I am wrong, it is apparent who misled me.

I go to other remarks of the honorable member; and I have to complain of an entire misapprehension of what I said on the subject of the national debt, though I can hardly perceive how any one could mis-

[1] This interruption on the part of Mr. Calhoun was unparliamentary. The Vice-President's functions are to enforce rules and preserve order, and to vote in case of a tie, but he may not join in debate. Senator Forsyth, who was interrupted by the chair on January 25, 1832, when the confirmation of Van Buren as minister to England was under consideration, rebuked Mr. Calhoun. Since that occurrence, there has been no interference with the discussions of the Senate on the part of the presiding officer. See also note on page 151.

understand me. What I said was, not that I wished to put off the payment of the debt, but, on the contrary, that I had always voted for every measure for its reduction as uniformly as the gentleman himself. He seems to claim the exclusive merit of a disposition to reduce the public charge. I do not allow it to him. As a debt, I was — I am for paying it, because it is a charge on our finances, and on the industry of the country. But I observed that I thought I perceived a morbid fervor on that subject, an excessive anxiety to pay off the debt, not so much because it is a debt simply, as because, while it lasts, it furnishes one objection to disunion. It is, while it continues, a tie of common interest. I did not impute such motives to the honorable member himself, but that there is such a feeling in existence I have not a particle of doubt. The most I said was that, if one effect of the debt was to strengthen our Union, that effect itself was not regretted by me, however much others might regret it. The gentleman has not seen how to reply to this otherwise than by supposing me to have advanced the doctrine that a national debt is a national blessing. Others, I must hope, will find much less difficulty in understanding me. I distinctly and pointedly cautioned the honorable member not to understand me as expressing an opinion favorable to the continuance of the debt. I repeated this caution, and repeated it more than once; but it was thrown away.

On yet another point I was still more unaccountably misunderstood. The gentleman had harangued against "consolidation." I told him, in reply, that there was one kind of consolidation to which I was attached, and that was the consolidation of our Union;

that this was precisely that consolidation to which I feared others were not attached, and that such consolidation was the very end of the Constitution, the leading object, as they had informed us themselves, which its framers had kept in view. I turned to their communication[1] and read their very words, "the consolidation of the Union," and expressed my devotion to this sort of consolidation. I said, in terms, that I wished not in the slightest degree to augment the powers of this government; that my object was to preserve, not to enlarge; and that by consolidating the Union I understood no more than the strengthening of the Union and perpetuating it. Having been thus explicit, having thus read from the printed book the precise words which I adopted as expressing my own sentiments, it passes comprehension how any man could understand me as contending for an extension of the powers of the government, or for consolidation in that odious sense in which it means an accumulation in the federal government of the powers properly belonging to the States.

I repeat, sir, that, in adopting the sentiment of the framers of the Constitution, I read their language audibly and word for word; and I pointed out the distinction, just as fully as I have now done, between the consolidation of the Union and that other obnoxious consolidation which I disclaimed. And yet the honorable member misunderstood me. The gentleman had said that he wished for no fixed revenue, — not a shilling. If by a word he could convert the Capitol into gold, he would not do it. Why all this fear of revenue? Why, sir, because, as the gentle-

[1] The letter of the Federal Convention to the Congress of the Confederation, transmitting the plan of the Constitution.

man told us, it tends to consolidation. Now this can mean neither more nor less than that a common revenue is a common interest, and that all common interests tend to preserve the union of the States. I confess I like that tendency; if the gentleman dislikes it, he is right in deprecating a shilling of fixed revenue. So much, sir, for consolidation.

As well as I recollect the course of his remarks, the honorable gentleman next recurred to the subject of the tariff. He did not doubt the word must be of unpleasant sound to me, and proceeded, with an effort neither new nor attended with new success, to involve me and my votes in inconsistency and contradiction. I am happy the honorable gentleman has furnished me an opportunity of a timely remark or two on that subject. I was glad he approached it, for it is a question I enter upon without fear from anybody. The strenuous toil of the gentleman has been to raise an inconsistency between my dissent to the tariff in 1824 and my vote in 1828. It is labor lost. He pays undeserved compliment to my speech in 1824: but this is to raise me high, that my fall, as he would have it, in 1828, may be more signal. Sir, there was no fall. Between the ground I stood on in 1824 and that I took in 1828, there was not only no precipice, but no declivity. It was a change of position to meet new circumstances, but on the same level. A plain tale explains the whole matter. In 1816 I had not acquiesced in the tariff, then supported by South Carolina. To some parts of it, especially, I felt and expressed great repugnance. I held the same opinions in 1820 at the meeting in Faneuil Hall, to which the gentleman has alluded. I said then, and say now, that, as an original question, the authority of

Congress to exercise the revenue power, with direct reference to the protection of manufactures, is a questionable authority, far more questionable, in my judgment, than the power of internal improvements. I must confess, sir, that in one respect some impression has been made on my opinions lately. Mr. Madison's publication has put the power in a very strong light. He has placed it, I must acknowledge, upon grounds of construction and argument which seem impregnable. But, even if the power were doubtful on the face of the Constitution itself, it had been assumed and asserted in the first revenue law ever passed under that same Constitution; and on this ground, as a matter settled by contemporaneous practice, I had refrained from expressing the opinion that the tariff laws transcended constitutional limits, as the gentleman supposes. What I did say at Faneuil Hall, as far as I now remember, was that this was originally matter of doubtful construction. The gentleman himself, I suppose, thinks there is no doubt about it, and that the laws are plainly against the Constitution. Mr. Madison's letters already referred to contain, in my judgment, by far the most able exposition extant of this part of the Constitution. He has satisfied me, so far as the practice of the government had left it an open question.

With a great majority of the Representatives of Massachusetts, I voted against the tariff of 1824. My reasons were then given, and I will not now repeat them. But, notwithstanding our dissent, the great States of New York, Pennsylvania, Ohio, and Kentucky went for the bill, in almost unbroken column, and it passed. Congress and the President sanctioned it, and it became the law of the land. What,

then, were we to do? Our only option was either to fall in with this settled course of public policy, and accommodate ourselves to it as well as we could, or to embrace the South Carolina doctrine, and talk of nullifying the statute by state interference.

This last alternative did not suit our principles, and of course we adopted the former. In 1827 the subject came again before Congress, on a proposition to afford some relief to the branch of wool and woolens. We looked upon the system of protection as being fixed and settled. The law of 1824 remained. It had gone into full operation, and, in regard to some objects intended by it, perhaps most of them had produced all its expected effects. No man proposed to repeal it, no man attempted to renew the general contest on its principle. But, owing to subsequent and unforeseen occurrences, the benefit intended by it to wool and woolen fabrics had not been realized. Events not known here when the law passed had taken place which defeated its object in that particular respect. A measure was accordingly brought forward to meet this precise deficiency, to remedy this particular defect. It was limited to wool and woolens. Was ever anything more reasonable? If the policy of the tariff laws had become established in principle as the permanent policy of the government, should they not be revised and amended, and made equal, like other laws, as exigencies should arise or justice require? Because we had doubted about adopting the system, were we to refuse to cure its manifest defects after it had been adopted, and when no one attempted its repeal? And this, sir, is the inconsistency so much bruited. I had voted against the tariff of 1824, but it passed; and in 1827 and

1828 I voted to amend it in a point essential to the interest of my constituents. Where is the inconsistency? Could I do otherwise? Sir, does political consistency consist in always giving negative votes? Does it require of a public man to refuse to concur in amending laws because they passed against his consent? Having voted against the tariff originally, does consistency demand that I should do all in my power to maintain an unequal tariff, burdensome to my own constituents in many respects, favorable in none? To consistency of that sort I lay no claim. And there is another sort to which I lay as little, and that is, a kind of consistency by which persons feel themselves as much bound to oppose a proposition after it has become a law of the land as before.

The bill of 1827, limited, as I have said, to the single object in which the tariff of 1824 had manifestly failed in its effect, passed the House of Representatives, but was lost here. We had then the act of 1828. I need not recur to the history of a measure so recent. Its enemies spiced it with whatsoever they thought would render it distasteful; its friends took it, drugged as it was. Vast amounts of property, many millions, had been invested in manufactures, under the inducements of the act of 1824. Events called loudly, as I thought, for further regulation to secure the degree of protection intended by that act. I was disposed to vote for such regulation, and desired nothing more; but certainly was not to be bantered out of my purpose by a threatened augmentation of duty on molasses, put into the bill for the avowed purpose of making it obnoxious. The vote may have been right or wrong, wise or unwise; but it is little less than absurd to allege against it an inconsistency with opposition to the former law.

Sir, as to the general subject of the tariff I have little now to say. Another opportunity may be presented. I remarked the other day that this policy did not begin with us in New England; and yet, sir, New England is charged with vehemence as being favorable, or charged with equal vehemence as being unfavorable, to the tariff policy, just as best suits the time, place, and occasion for making some charge against her. The credulity of the public has been put to its extreme capacity of false impression relative to her conduct in this particular. Through all the South, during the late contest, it was New England policy and a New England administration that were afflicting the country with a tariff beyond all endurance; while, on the other side of the Alleghanies, even the act of 1828 itself, the very sublimated essence of oppression according to Southern opinions, was pronounced to be one of those blessings for which the West was indebted to the "generous South."

With large investments in manufacturing establishments, and many and various interests connected with and dependent on them, it is not to be expected that New England, any more than other portions of the country, will now consent to any measure destructive or highly dangerous. The duty of the government, at the present moment, would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and, for one, I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow. No more of the tariff.[1]

[1] "When the speech of Mr. Webster of 1824, in which he assigned his reasons for voting against the tariff law of that year, is carefully compared with his speech of 1828, it will be

Professing to be provoked by what he chose to consider a charge made by me against South Carolina, the honorable member, Mr. President, has taken up a new crusade against New England. Leaving altogether the subject of the public lands, in which his success, perhaps, had been neither distinguished nor satisfactory, and letting go, also, of the topic of the tariff, he sallied forth in a general assault on the opinions, politics, and parties of New England as they have been exhibited in the last thirty years. This is natural. The "narrow policy" of the public lands had proved a legal settlement in South Carolina, and was not to be removed. The "accursed policy" of the tariff, also, had established the fact of its birth and parentage in the same State. No wonder, therefore, the gentleman wished to carry the war, as he expressed it, into the enemy's country. Prudently willing to quit these subjects, he was doubtless desirous of fastening on others which could not be transferred south of Mason and Dixon's line. The politics of New England became his theme; and it was in this part of his speech, I think, that he menaced me with such sore discomfiture. Discomfiture! Why, sir, when he attacks anything which I maintain, and overthrows it, when he turns the right or left of any position which I take up, when he drives me from any ground I choose to occupy, he may then talk of discomfiture,

found that there is no other diversity than that which was induced by the change in the state of the country itself in reference to its manufacturing interests, and by the course pursued in reference to the details of the bill by those opposed to protection *in toto*. It is the best proof of this that, in the former editions of Mr. Webster's works, the two speeches were, for more easy comparison, placed side by side." Everett's Biographical Memoir in Webster's *Works*, vol. i. lxxxv.

but not till that distant day. What has he done? Has he maintained his own charges? Has he proved what he alleged? Has he sustained himself in his attack on the government, and on the history of the North, in the matter of the public lands? Has he disproved a fact, refuted a proposition, weakened an argument, maintained by me? Has he come within beat of drum of any position of mine? Oh, no; but he has "carried the war into the enemy's country"! Carried the war into the enemy's country! Yes, sir, and what sort of a war has he made of it? Why, sir, he has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs, and fuming popular addresses; over whatever the pulpit in its moments of alarm, the press in its heats, and parties in their extravagances, have severally thrown off in times of general excitement and violence. He has thus swept together a mass of such things as, but that they are now old and cold, the public health would have required him rather to leave in their state of dispersion. For a good long hour or two, we had the unbroken pleasure of listening to the honorable member while he recited, with his usual grace and spirit and with evident high gusto, speeches, pamphlets, addresses, and all the *et ceteras* of the political press, such as warm heads produce in warm times, and such as it would be "discomfiture" indeed for any one whose taste did not delight in that sort of reading to be obliged to peruse. This is his war. This it is to carry the war into the enemy's country. It is in an invasion of this sort that he flatters himself with the expectation of gaining laurels fit to adorn a Senator's brow.

Mr. President, I shall not — it will not, I trust, be

expected that I should — either now or at any time separate this farrago into parts, and answer and examine its components. I shall barely bestow upon it all a general remark or two. In the run of forty years, sir, under this Constitution, we have experienced sundry successive violent party contests. Party arose, indeed, with the Constitution itself, and, in some form or other, has attended it through the greater part of its history. Whether any other Constitution than the old Articles of Confederation was desirable, was itself a question on which parties divided; if a new Constitution were framed, what powers should be given to it was another question; and when it had been formed, what was, in fact, the just extent of the powers actually conferred was a third. Parties, as we know, existed under the first administration as distinctly marked as those which have manifested themselves at any subsequent period. The contest immediately preceding the political change in 1801, and that, again, which existed at the commencement of the late war, are other instances of party excitement of something more than usual strength and intensity. In all these conflicts there was, no doubt, much of violence on both and all sides. It would be impossible, if one had a fancy for such employment, to adjust the relative *quantum* of violence between these contending parties. There was enough in each, as must always be expected in popular governments. With a great deal of popular and decorous discussion, there was mingled a great deal, also, of declamation, virulence, crimination, and abuse. In regard to any party, probably, at one of the leading epochs in the history of parties, enough may be found to make out another inflamed exhibition not unlike that with which the honorable

member has edified us. For myself, sir, I shall not rake among the rubbish of bygone times to see what I can find, or whether I cannot find something by which I can fix a blot on the escutcheon of any State, any party, or any part of the country. General Washington's administration was steadily and zealously maintained, as we all know, by New England. It was violently opposed elsewhere. We know in what quarter he had the most earnest, constant, and persevering support in all his great and leading measures. We know where his private and personal character was held in the highest degree of attachment and veneration: and we know, too, where his measures were opposed, his services slighted, and his character vilified. We know, or we might know if we turned to the journals, who expressed respect, gratitude, and regret when he retired from the chief magistracy, and who refused to express either respect, gratitude, or regret. I shall not open those journals. Publications more abusive or scurrilous never saw the light than were sent forth against Washington, and all his leading measures, from presses south of New England. But I shall not look them up. I employ no scavengers; no one is in attendance on me, furnishing such means of retaliation: and if there were, with an ass's load of them, with a bulk as huge as that which the gentleman himself has produced, I would not touch one of them. I see enough of the violence of our own times to be no way anxious to rescue from forgetfulness the extravagances of times past.

Besides, what is all this to the present purpose? It has nothing to do with the public lands, in regard to which the attack was begun; and it has nothing to

do with those sentiments and opinions which, I have thought, tend to disunion, and all of which the honorable member seems to have adopted himself, and undertaken to defend. New England has at times — so argues the gentleman — held opinions as dangerous as those which he now holds. Suppose this were so; why should *he* therefore abuse New England? If he finds himself countenanced by acts of hers, how is it that, while he relies on these acts, he covers, or seeks to cover, their authors with reproach? But, sir, if in the course of forty years there have been undue effervescences of party in New England, has the same thing happened nowhere else? Party animosity and party outrage, not in New England, but elsewhere, denounced President Washington, not only as a Federalist, but as a Tory, a British agent, a man who in his high office sanctioned corruption. But does the honorable member suppose, if I had a tender here who should put such an effusion of wickedness and folly into my hand, that I would stand up and read it against the South? Parties ran into great heats again in 1799 and 1800. What was said, sir, or rather what was not said, in those years, against John Adams, one of the committee that drafted the Declaration of Independence, and its admitted ablest defender on the floor of Congress? If the gentleman wishes to increase his stores of party abuse and frothy violence, if he has a determined proclivity to such pursuits, there are treasures of that sort south of the Potomac, much to his taste, yet untouched. I shall not touch them.

The parties which divided the country at the commencement of the late war were violent. But then there was violence on both sides, and violence in every State. Minorities and majorities were equally violent.

There was no more violence against the war in New England than in other States; nor any more appearance of violence, except that, owing to a dense population, greater facility of assembling, and more presses, there may have been more in quantity spoken and printed there than in some other places. In the article of sermons, too, New England is somewhat more abundant than South Carolina; and for that reason the chance of finding here and there an exceptionable one may be greater. I hope, too, there are more good ones. Opposition may have been more formidable in New England, as it embraced a larger portion of the whole population; but it was no more unrestrained in principle or violent in manner. The minorities dealt quite as harshly with their own State governments as the majorities dealt with the administration here. There were presses on both sides, popular meetings on both sides, ay, and pulpits on both sides also. The gentleman's purveyors have only catered for him among the productions of one side. I certainly shall not supply the deficiency by furnishing samples of the other. I leave to him and to them the whole concern.

It is enough for me to say that if, in any part of this their grateful occupation, if, in all their researches they find anything in the history of Massachusetts or New England, or in the proceedings of any legislative or other public body, disloyal to the Union, speaking slightingly of its value, proposing to break it up, or recommending non-intercourse with neighboring States, on account of difference of political opinion, then, sir, I give them all up to the honorable gentleman's unrestrained rebuke; expecting, however, that he will extend his buffetings in like manner to all similar proceedings wherever else found.

The gentleman, sir, has spoken at large of former parties, now no longer in being, by their received appellations, and has undertaken to instruct us not only in the knowledge of their principles, but of their respective pedigrees also. He has ascended to their origin, and run out their genealogies. With most exemplary modesty he speaks of the party to which he professes to have himself belonged as the true Pure, the only honest, patriotic party, derived, by regular descent from father to son, from the time of the virtuous Romans! Spreading before us the family tree of political parties, he takes especial care to show himself snugly perched on a popular bough! He is wakeful to the expediency of adopting such rules of descent as shall bring him in, to the exclusion of others, as an heir to the inheritance of all public virtue and all true political principle. His party and his opinions are sure to be orthodox; heterodoxy is confined to his opponents. He spoke, sir, of the Federalists, and I thought I saw some eyes begin to open and stare a little when he ventured on that ground. I expected he would draw his sketches rather lightly when he looked on the circle round him, and especially if he should cast his thoughts to the high places out of the Senate. Nevertheless, he went back to Rome, *ad annum urbis conditæ*,[1] and found the fathers of the Federalists in the primeval aristocrats of that renowned city. He traced the flow of Federal blood down through successive ages and centuries till he brought it into the veins of the American Tories, of whom, by the way, there were twenty in the Carolinas for one in Massachusetts. From the Tories he fol-

[1] In the year of the city's foundation; "In the year one," in colloquial speech.

lowed it to the Federalists; and, as the Federal party was broken up, and there was no possibility of transmitting it further on this side the Atlantic, he seems to have discovered that it has gone off collaterally, though against all canons of descent, into the Ultras of France, and finally become extinguished, like exploded gas, among the adherents of Dom Miguel![1] This, sir, is an abstract of the gentleman's history of Federalism. I am not about to controvert it. It is not at present worth the pains of refutation; because, sir, if at this day any one feels the sin of Federalism lying heavily on his conscience, he can easily procure remission. He may even obtain an indulgence, if he be desirous of repeating the same transgression. It is an affair of no difficulty to get into this same right line of patriotic descent. A man nowadays is at liberty to choose his political parentage. He may elect his own father. Federalist or not, he may, if he choose, claim to belong to the favored stock, and his claim will be allowed. He may carry back his pretensions just as far as the honorable gentleman himself; nay, he may make himself out the honorable gentleman's cousin, and prove satisfactorily that he is descended from the same political great-grandfather. All this is allowable. We all know a process, sir, by which the whole Essex Junto[2] could in one hour be all washed white

[1] Dom Miguel, the head of the Absolutists, had in 1828 usurped the throne of Portugal. His niece, Maria da Gloria, was restored in 1833.

[2] The name is as old as 1781, when John Hancock applied it to a group of public men of Essex County, Massachusetts. The name was moribund when John Adams revived it. In its widest sense, it applied to the extreme Federalism displayed during the War of 1812 and in the Hartford Convention. Fisher Ames, George Cabot, and Timothy Pickering were prominent members.

from their ancient Federalism, and come out, every one of them, original democrats dyed in the wool! Some of them have actually undergone the operation, and they say it is quite easy.[1] The only inconvenience it occasions, as they tell us, is a slight tendency of the blood to the face, a soft suffusion, which, however, is very transient, since nothing is said by those whom they join calculated to deepen the red on the cheek, but a prudent silence is observed in regard to all the past. Indeed, sir, some smiles of approbation have been bestowed, and some crumbs of comfort have fallen, not a thousand miles from the door of the Hartford Convention. And if the author of the Ordinance of 1787 possessed the other requisite qualifications, there is no knowing, notwithstanding his Federalism, to what heights of favor he might not yet attain.

Mr. President, in carrying his warfare, such as it is, into New England, the honorable gentleman, all along, professes to be acting on the defensive. He chooses to consider me as having assailed South Carolina, and insists that he comes forth only as her champion and in her defense. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honorable member, in his first speech, expressed opinions in regard to revenue and some other topics

Henry Cabot Lodge's *Life of George Cabot* has softened some of the legends which had attached themselves to this black beast of New England politics.

[1] This may refer to Harrison Gray Otis, who became a candidate for the office of first Mayor of Boston in 1822. On account of his record during the War of 1812 and as a member of the Hartford Convention, his name was withdrawn; but he was elected mayor in 1829, when he made an explanation of his political course.

which I heard both with pain and with surprise. I told the gentleman I was aware that such sentiments were entertained *out* of the government, but had not expected to find them advanced in it; that I knew there were persons in the South who speak of our Union with indifference or doubt, taking pains to magnify its evils and to say nothing of its benefits: that the honorable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to impair its strength. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on the chivalry of the gentleman, in his own opinion, to harry us with such a foray among the party pamphlets and party proceedings of Massachusetts! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I assailed the character of the State, her honor or patriotism, that I reflected on her history or her conduct, he has not the slightest ground for any such assumption. I did not even refer, I think, in my observations, to any collection of individuals. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honorable member disapproved as much as myself. In this, it seems, I was mistaken. I do not remember that the gentleman has disclaimed any sentiment or any opinion of a supposed anti-Union tendency which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove that, in divers times

and manners, sentiments equally liable to my objection have been avowed in New England. And one would suppose that his object, in this reference to Massachusetts, was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely with which he labors, all along, to load these his own chosen precedents. By way of defending South Carolina from what he chooses to think an attack on her, he first quotes the example of Massachusetts, and then denounces that example in good set terms. This twofold purpose, not very consistent, one would think, with itself, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford Convention. Did he do this for authority, or for a topic of reproach? Apparently for both; for he told us that he should find no fault with the mere fact of holding such a convention, and considering and discussing such questions as he supposes were then and there discussed; but what rendered it obnoxious was its being held at the time, and the circumstances of the country then existing. We were in a war, he said, and the country needed all our aid; the hand of government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The thing itself, then, is a precedent; the time and manner of it only, a subject of censure.

Now, sir, I go much further on this point than the honorable member. Supposing, as the gentleman seems to do, that the Hartford Convention assembled for any such purpose as breaking up the Union because they thought unconstitutional laws had been passed, or to consult on that subject, or to calculate the value of the Union, — supposing this to be their

purpose, or any part of it, then, I say, the meeting itself was disloyal, and was obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances. The material question is the object. Is dissolution the object? If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, therefore, sir, that the Hartford Convention was pardonable, even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. Sir, there never was a time, under any degree of excitement, in which the Hartford Convention, or any other convention, could have maintained itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose. To hold conventions to decide constitutional law! To try the binding validity of statutes by votes in a convention! Sir, the Hartford Convention, I presume, would not desire that the honorable gentleman should be their defender or advocate if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions. And certainly he need have none; for his own sentiments, as now advanced and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe that the eulogium pronounced by the honorable gentleman on the character of the State of South Carolina for her Revolutionary and other merits meets my hearty concurrence. I shall not

acknowledge that the honorable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honor, I partake in the pride, of her great names. I claim them for countrymen, one and all, — the Laurenses,[1] the Rutledges, the Pinckneys, the Sumters, the Marions, Americans all, whose fame is no more to be hemmed in by State lines than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation they served and honored the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honored name the gentleman himself bears,[2] — does he esteem me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts instead of South Carolina? Sir, does he suppose it in his power to exhibit a Carolina name so bright as to produce

[1] John Laurens was an aide to Washington, and was called the "Bayard of the Revolution." Governor John and Edward Rutledge both served in the Revolution, as did Charles Cotesworth and Thomas Pinckney, who also were brothers. Sir Banastre Tarleton referred to General Thomas Sumter as the "gamecock," and Francis Marion as the "swamp-fox." See note on page 63 of Hayne's Speech.

[2] Isaac Hayne, great-uncle of Robert Y. Hayne, was hanged by the joint order of Colonel Balfour and Lord Rawdon, both of whom afterward denied responsibility for the act. Hayne, for honorable reasons, had taken the British oath of allegiance, on condition that he should not be obliged to bear arms; he was, however, coerced into service. He therefore broke his parole, became an American officer, was captured by the British, and met an unjust fate. In the *Southern Review* for 1828 (vol. i.) is an article by Robert Y. Hayne on the execution of Colonel Hayne, largely in answer to Lord Rawdon's attempted justification.

envy in my bosom? No, sir, increased gratification and delight, rather. I thank God that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit which would drag angels down. When I shall be found, sir, in my place here in the Senate or elsewhere, to sneer at public merit because it happens to spring up beyond the little limits of my own State or neighborhood; when I refuse, for any such cause, or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of Heaven, if I see extraordinary capacity and virtue in any son of the South, and if, moved by local prejudice or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, — may my tongue cleave to the roof of my mouth!

Sir, let me recur to pleasing recollections; let me indulge in refreshing remembrance of the past; let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution; hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling, if it exist, alienation and distrust, are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her

history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain forever. The bones of her sons, falling in the great struggle for independence, now lie mingled with the soil of every State from New England to Georgia; and there they will lie forever. And, sir, where American liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it; if party strife and blind ambition shall hawk at and tear it; if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union by which alone its existence is made sure, — it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigor it may still retain over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved on me by this occasion. It is to state and to defend what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own

sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honorable gentlemen from South Carolina to maintain that it is a right of the State legislatures to interfere whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right as a right existing *under* the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist that, if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare

it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws is doubtless true. That a majority, somewhat less than that just mentioned, conscientiously believe these laws unconstitutional, may probably also be true. But that any majority holds to the right of direct State interference at State discretion, the right of nullifying acts of Congress by acts of State legislation, is more than I know and what I shall be slow to believe.

That there are individuals besides the honorable gentleman who do maintain these opinions, is quite certain. I recollect the recent expression of a sentiment which circumstances attending its utterance and publication justify us in supposing was not unpremeditated: "The sovereignty of the State, — never to be controlled, construed, or decided on but by her own feelings of honorable justice."

[Mr. HAYNE here rose and said that, for the purpose of being clearly understood, he would state that his proposition was in the words of the Virginia Resolution, as follows: —

"That this Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that, in case of a deliberate, palpable, and dangerous exercise

of other powers not granted by the said compact, the States who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties appertaining to them."]

Mr. WEBSTER resumed: —

I am quite aware, Mr. President, of the existence of the resolution which the gentleman read, and has now repeated, and that he relies on it as his authority. I know the source, too, from which it is understood to have proceeded. I need not say that I have much respect for the constitutional opinions of Mr. Madison; they would weigh greatly with me always. But, before the authority of his opinion be vouched for the gentleman's proposition, it will be proper to consider what is the fair interpretation of that resolution to which Mr. Madison is understood to have given his sanction. As the gentleman construes it, it is an authority for him. Possibly he may not have adopted the right construction. That resolution declares *that, in the case of the dangerous exercise of powers not granted by the general government, the States may interpose to arrest the progress of the evil.* But how interpose, and what does this declaration purport? Does it mean no more than that there may be extreme cases in which the people, in any mode of assembling, may resist usurpation and relieve themselves from a tyrannical government? No one will deny this. Such resistance is not only acknowledged to be just in America, but in England also. Blackstone admits as much in the theory, and practice too, of the English constitution. We, sir, who oppose the Carolina doctrine do not deny that the people may, if they choose, throw

off any government when it becomes oppressive and intolerable, and erect a better in its stead. We all know that civil institutions are established for the public benefit, and that, when they cease to answer the ends of their existence, they may be changed. But I do not understand the doctrine now contended for to be that which, for the sake of distinctness, we may call the right of revolution. I understand the gentleman to maintain that without revolution, without civil commotion, without rebellion, a remedy for supposed abuse and transgression of the powers of the general government lies in a direct appeal to the interference of the State governments.

[Mr. HAYNE here rose and said: He did not contend for the mere right of revolution, but for the right of constitutional resistance. What he maintained was that, in case of a plain, palpable violation of the Constitution by the general government, a State may interpose, and that this interposition is constitutional.]

Mr. WEBSTER resumed: —

So, sir, I understood the gentleman, and am happy to find that I did not misunderstand him. What he contends for is, that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity.

The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges.

The proposition that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress, is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course between submission to the laws, when regularly pronounced constitutional, on the one hand, and open resistance, which is revolution or rebellion, on the other. I say the right of a State to annul a law of Congress cannot be maintained but on the ground of the inalienable right of man to resist oppression; that is to say, upon the ground of revolution. I admit that there is an ultimate violent remedy, above the Constitution and in defiance of the Constitution, which may be resorted to when a revolution is to be justified. But I do not admit that, under the Constitution and in conformity with it, there is any mode in which a State government, as a member of the Union, can interfere and stop the progress of the general government by force of her own laws, under any circumstances whatever.

This leads us to inquire into the origin of this government and the source of its power. Whose agent is it? Is it the creature of the State legislatures, or the creature of the people? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify or reform it. It is observable enough that the doctrine for which the honorable gentleman con-

tends leads him to the necessity of maintaining not only that this general government is the creature of the States, but that it is the creature of each of the States severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's Constitution, the people's government, made for the people, made by the people, and answerable to the people.[1] The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority. The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted,

[1] Compare with Theodore Parker's "A government of all the people, by all the people, for all the people" (Speech, May 29, 1850) and Abraham Lincoln's still simpler "government of the people, by the people, for the people" (Gettysburg address, November 19, 1863). See an interesting statement in Herndon and Weik's *Lincoln*, ii. 396.

and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves. So far as the people have restrained State sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred propounds that State sovereignty is only to be controlled by its own "feeling of justice;" that is to say, it is not to be controlled at all, for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is that the people of the United States have chosen to impose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honorable justice." The opinion referred to, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully what

is the length and breadth of that doctrine denominated the Carolina doctrine, which the honorable member has now stood up on this floor to maintain. In one of them I find it resolved that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the Federal compact; and such a dangerous, palpable, and deliberate usurpation of power, by a determined majority wielding the general government beyond the limits of its delegated powers, as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power as calls upon the States, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816 as well as all others; because that was established to promote the interest of the manufacturers of cotton to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles.

It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion by the voice of her legislature. That would be very imposing; but what then? Is the voice of one State conclusive? It so happens that, at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. They hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honorable member propose to deal with this case? How does he relieve us from this difficulty upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it and refuse to pay the duties. In Pennsylvania it is both clearly constitutional and highly expedient, and there the duties are to be paid. And yet we live under a government of uniform laws, and under a Constitution, too, which contains an express provision, as it happens, that all duties shall be equal in all the States. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again, precisely, upon the old Confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their union! What is such a state of things but a

mere connection during pleasure, or, to use the phraseology of the times, *during feeling?* And that feeling, too, not the feeling of the people who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress of political evils, real or imaginary. And its authors further say that, appealing with confidence to the Constitution itself to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favor of liberty. But what sort of liberty? The liberty of establishing their own opinions in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honorable gentleman. Or, it may be more properly said, it is identical with it, rather than a result from it.

In the same publication, we find the following: "Previously to our Revolution, when the arm of oppression was stretched over New England, where did our Northern brethren meet with a braver sympathy than that which sprung from the bosoms of Carolinians? We had no extortion, no oppression, no colli-

sion with the King's ministers, no navigation interests springing up, in envious rivalry of England."

This seems extraordinary language. South Carolina no collision with the King's ministers in 1775! No extortion! No oppression! But, sir, it is also most significant language. Does any man doubt the purpose for which it was penned? Can any one fail to see that it was designed to raise in the reader's mind the question whether, at this time, — that is to say in 1828, — South Carolina has any collision with the King's ministers, any oppression or extortion to fear from England? Whether, in short, England is not as naturally the friend of South Carolina as New England, with her navigation interests springing up in envious rivalry of England?

Is it not strange, sir, that an intelligent man in South Carolina, in 1828, should thus labor to prove that in 1775 there was no hostility, no cause of war, between South Carolina and England? That she had no occasion, in reference to her own interest or from a regard to her own welfare, to take up arms in the Revolutionary contest? Can any one account for the expression of such strange sentiments and their circulation through the State, otherwise than by supposing the object to be what I have already intimated, to raise the question, if they had no "collision" (mark the expression) with the ministers of King George the Third in 1775, what collision have they in 1828 with the ministers of King George the Fourth? What is there now, in the existing state of things, to separate Carolina from Old, more or rather than from New England?

Resolutions, sir, have been recently passed by the legislature of South Carolina. I need not refer to

them; they go no farther than the honorable gentleman himself has gone, and I hope not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on this subject is, that at no time and under no circumstances has New England, or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case, he can find none, to support his own opinions by New England authority. New England has studied the Constitution in other schools and under other teachers. She looks upon it with other regards, and deems more highly and reverently both of its just authority and its utility and excellence. The history of her legislative proceedings may be traced. The ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up; they have been hunted up. The opinions and votes of her public men, in and out of Congress, may be explored. It will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it; and till she loses her senses she always will reject it. The honorable member has referred to expressions on the subject of the Embargo law made in this place by an honorable and venerable gentleman,[1] now favoring us with his presence. He quotes that distinguished Senator as saying that, in his judgment, the Embargo law was unconstitutional, and that therefore, in his

[1] Mr. Hillhouse of Connecticut. See note on page 99 of Hayne's Speech.

opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a State legislature to decide whether an act of Congress be or be not constitutional.* An unconstitutional act of Congress would not bind the people of this District, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of Congress does bind the citizens of every State, although all their legislatures should undertake to annul it by act or resolution. The venerable Connecticut Senator is a constitutional lawyer of sound principles and enlarged knowledge; a statesman practiced and experienced, bred in the company of Washington, and holding just views upon the nature of our governments. He believed the Embargo unconstitutional, and so did others; but what then? Who did he suppose was to decide that question? The State legislatures? Certainly not. No such sentiment ever escaped his lips.

Let us follow up, sir, this New England opposition to the Embargo laws; let us trace it till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions and this modern Carolina school. The gentleman, I think, read a petition from some single individual, addressed to the legislature of Massachusetts, asserting the Carolina doctrine; that is, the right of State interference to arrest the laws of the Union. The fate of that petition shows the sentiment of the legislature. It met no favor. The opinions of Massachusetts were very different. They had been

expressed in 1798, in answer to the resolutions of Virginia, and she did not depart from them nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of government, and great and deep dislike to the Embargo: all this makes the case so much the stronger for her; for, notwithstanding all this dissatisfaction and dislike, she still claimed no right to sever the bonds of the Union. There was heat and there was anger in her political feeling. Be it so; but neither her heat nor her anger betrayed her into infidelity to the government. The gentleman labors to prove that she disliked the Embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; but did she propose the Carolina remedy? Did she threaten to interfere, by State authority, to annul the laws of the Union? That is the question for the gentleman's consideration.

No doubt, sir, a great majority of the people of New England conscientiously believed the Embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. They reasoned thus: Congress has power to regulate commerce; but here is a law, they said, stopping all commerce and stopping it indefinitely. The law is perpetual; that is, it is not limited in point of time, and must of course continue until it shall be repealed by some other law. It is as perpetual, therefore, as the law against treason or murder. Now is this regulating commerce or destroying it? Is it guiding, controlling, giving the rule to commerce as a subsisting thing, or is it putting an

end to it altogether? Nothing is more certain than that a majority in New England deemed this law a violation of the Constitution. The very case required by the gentleman to justify State interference had then arisen. Massachusetts believed this law to be "a deliberate, palpable, and dangerous exercise of a power not granted by the Constitution." Deliberate it was, for it was long continued; palpable she thought it, as no words in the Constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Here, then, was a Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the Constitution, and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt also that, as a measure of national policy, it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law and break the Embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might, — First, to submit to every constitutional law of Congress; and,

second, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the Embargo law unconstitutional; but the great question was, and always will be in such cases, Who is to decide this? Who is to judge between the people and the government? And, sir, it is quite plain that the Constitution of the United States confers on the government itself, to be exercised by its appropriate department and under its own responsibility to the people, this power of deciding ultimately and conclusively upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old Confederation.

Being fully of opinion that the Embargo law was unconstitutional, the people of New England were yet equally clear in the opinion (it was a matter they did not doubt upon) that the question, after all, must be decided by the judicial tribunals of the United States. Before those tribunals, therefore, they brought the question. Under the provisions of the law they had given bonds to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old fashioned way of settling disputes, they went to law. The case came to hearing and solemn argument; and he who espoused their cause, and stood up for them against the validity of the Embargo Act, was none other than that great man, of whom the gentleman has made honorable mention, Samuel Dexter.[1] He was then, sir, in the fullness of his knowledge and

[1] See note on page 80 of Hayne's Speech.

the maturity of his strength. He had retired from long and distinguished public service here to the renewed pursuit of professional duties, carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more general subjects discussed in the national councils is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer and he was also a statesman. He had studied the Constitution, when he filled public station, that he might defend it. He had examined its principles that he might maintain them. More than all men, or at least as much as any man, he was attached to the general government and to the union of the States. His feelings and opinions all ran in that direction. A question of constitutional law, too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality, and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his own conviction wrought conviction in others. One was convinced, and believed, and assented because it was gratifying, delightful, to think, and feel, and believe in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued the New England cause. He put into his effort his whole heart as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with his neighbors on the point in dispute. He argued the cause: it was

lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the Embargo by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. Sir, we believed the Embargo unconstitutional; but still that was matter of opinion, and who was to decide it? We thought it a clear case; but, nevertheless, we did not take the law into our own hands, because we did not wish to bring about a revolution, nor to break up the Union; for I maintain that between submission to the decision of the constituted tribunals, and revolution or disunion, there is no middle ground; there is no ambiguous condition, half allegiance and half rebellion. And, sir, how futile, how very futile it is to admit the right of State interference, and then attempt to save it from the character of unlawful resistance by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself, in the discretion of the State governments! It must be a clear case, it is said, a deliberate case, a palpable case, a dangerous case. But then the State is still left at liberty to decide for herself what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail anything?

Sir, the human mind is so constituted that the merits of both sides of a controversy appear very clear and very palpable to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitu-

tionality in the tariff; she sees oppression there, also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves* that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbors, and equally willing to strengthen her own faith by a confident asseveration, *resolves*, also, and gives to every warm affirmative of South Carolina a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect any more than in others, reduces her dissentient fraction to a single vote. Now, sir, again, I ask the gentleman, What is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or rather, which has the best right to decide? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to when we have sworn to maintain it? I was forcibly struck, sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions to prove that a State may interfere in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honorable member supposes the tariff law to be such an exercise of power; and that consequently a case has arisen in which the State may, if it see fit, interfere by its own law. Now it so happens, never-

theless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility — I had almost used a stronger word — of conceding this power of interference to the State, and then attempting to secure it from abuse by imposing qualifications of which the States themselves are to judge. One of two things is true, — either the laws of the Union are beyond the discretion and beyond the control of the States; or else we have no Constitution of general government, and are thrust back again to the days of the Confederation.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England in the times of the Embargo and non-intercourse, we should probably not now have been here. The government would very likely have gone to pieces and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honorable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare whether, in his opinion, the New England States would have been justified in interfering to break up the Embargo system under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or

deny? If what is thought palpably unconstitutional in South Carolina justifies that State in arresting the progress of the law, tell me whether that which was thought palpably unconstitutional also in Massachusetts would have justified her in doing the same thing. Sir, I deny the whole doctrine. It has not a foot of ground in the Constitution to stand on. No public man of reputation ever advanced it in Massachusetts in the warmest times, or could maintain himself upon it there at any time.

I wish now, sir, to make a remark upon the Virginia Resolutions of 1798. I cannot undertake to say how these resolutions were understood by those who passed them. Their language is not a little indefinite. In the case of the exercise by Congress of a dangerous power not granted to them, the resolutions assert the right, on the part of the State, to interfere and arrest the progress of the evil. This is susceptible of more than one interpretation. It may mean no more than that the States may interfere by complaint and remonstrance, or by proposing to the people an alteration of the Federal Constitution. This would all be quite unobjectionable, or it may be that no more is meant than to assert the general right of revolution, as against all governments, in cases of intolerable oppression. This no one doubts; and this, in my opinion, is all that he who framed the resolutions could have meant by it; for I shall not readily believe that he was ever of opinion that a State, under the Constitution and in conformity with it, could, upon the ground of her own opinion of its unconstitutionality, however clear and palpable she might think the case, annul a law of Congress, so far as it should operate on herself, by her own legislative power.

I must now beg to ask, sir, Whence is this supposed right of the States derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honorable gentleman maintains is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. It is of no moment to the argument that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State legislatures, and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of President with electors; but all this does not affect the proposition that this whole government — President, Senate, and House of Representatives — is a popular government. It leaves it still all its popular character. The governor of a State (in some of the States) is chosen, not directly by the

people, but by those who are chosen by the people for the purpose of performing, among other duties, that of electing a governor. Is the government of the State, on that account, not a popular government? This government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt; no limitation so precise as to exclude all uncertainty. Who, then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have

settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design for which the whole Constitution was framed and adopted was to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had had quite enough of that kind of government under the Confederation. Under that system, the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only recommend; their acts were not of binding force till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the Constitution grants of powers to Congress, and restrictions on these powers. There are, also, prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring, sir, that "*the Constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding.*"

This, sir, was the first great step. By this the

supremacy of the Constitution and laws of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution, or any law of the United States passed in pursuance of it. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides also, by declaring "*that the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*" These two provisions cover the whole ground. They are, in truth, the keystone of the arch! With these it is a government; without them it is a confederation. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would, in all probability, have been now among things which are past. Having constituted the government and declared its powers, the people have further said that, since somebody must decide on the extent of these powers, the government shall itself decide; subject always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legislature acquires any power to interfere? Who or what gives them the right to say to the people, "We, who are your agents and servants for one purpose, will undertake to decide that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them!" The reply would be, I think, not impertinent, — "Who made

you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say that, in an extreme case, a State government might protect the people from intolerable oppression. Sir, in such a case the people might protect themselves without the aid of the State governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I do not admit the competency of South Carolina, or any other State, to prescribe my constitutional duty, or to settle, between me and the people, the validity of laws of Congress for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my oath of office or otherwise, to come under any responsibility, except to the people, and those whom they have appointed to pass upon the question whether laws supported by my votes conform to the Constitution of the country. And, sir, if we look to the general nature of the case, could anything have been more preposterous than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpre-

tations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others; and each at liberty, too, to give a new construction on every new election of its own members? Would anything with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under.

To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the general government would be good for nothing, it would be incapable of long existing, if some mode had not been provided in which those doubts, as they should arise, might be peaceably but authoritatively solved.

And now, Mr. President, let me run the honorable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. If a thing can be done, an ingenious man can tell *how* it is to be done, and I wish to be informed *how* this

State interference is to be put in practice without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature declaring the several acts of Congress, usually called the tariff laws, null and void, so far as they respect South Carolina or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws. He, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue, the marshal, with his posse, will come to the collector's aid, and here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader; for I believe the honorable member himself commands the militia of that part of the State. He will raise the NULLIFYING ACT on his standard and spread it out as his banner! It will have a preamble, setting forth that the tariff laws are palpable, deliberate, and dangerous violations of the Constitution! He will proceed, with this banner flying, to the custom-house in Charleston,

"All the while,
Sonorous metal blowing martial sounds." [1]

Arrived at the custom-house, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering

[1] See Milton's *Paradise Lost*, Book I., lines 539, 540.

what hand South Carolina herself had in that of 1816. But, sir, the collector would not, probably, desist at his bidding. He would show him the law of Congress, the treasury instruction, and his own oath of office. He would say he should perform his duty, come what might.

Here would ensue a pause; for they say that a certain stillness precedes the tempest. The trumpeter would hold his breath awhile, and before all this military array should fall on the custom-house, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have, doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban.[1] They would ask him, therefore, something concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offense, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that the law *was constitutional?* He would answer, of course, Treason. No lawyer could give any other answer. John Fries,[2] he would

[1] Turenne was a famous general, and Vauban a great military engineer, both of whom added to the renown of France in the seventeenth century.

[2] Fries's Rebellion, in eastern Pennsylvania, early in 1799, was occasioned by the direct government tax laid July, 1798, and begun to be assessed January, 1799. This tax fell in Pennsylvania mainly on houses and lands. John Fries, an itinerant vendue-crier, the leader of the revolt, was sentenced to be

tell them, had learned that some years ago. How, then, they would ask, do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend us? "Look at my floating banner," he would reply; "see there the *nullifying law!*" Is it your opinion, gallant commander, they would then say, that if we should be indicted for treason, that same floating banner of yours would make a good plea in bar? "South Carolina is a sovereign State," he would reply. That is true; but would the judge admit our plea? "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." That may all be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax worse than any part of the tariff.

Mr. President, the honorable gentleman would be in a dilemma like that of another great general. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers, "Defend yourselves with your bayonets;" and this is war, — civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the very first case to which it is applied. Is not this the plain result? To resist by force the execution of a law, generally, is treason. Can the courts of the United States take

hanged, but was pardoned by President Adams. McMaster's *History*, ii. 434; Schouler's *History*, i. 447.

notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is that at their commencement, when they are first found to be maintained by respectable men and in a tangible form, I enter my public protest against them all.

The honorable gentleman argues that if this government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging in this matter, if left to the exercise of State legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be that the right *ought not* to have been lodged with the general government; he may like better such a Constitution as we should have under the right of State interference; but I ask him to meet me on the plain matter of fact. I ask him to meet me on the Constitution itself. I ask him if the power is not found there, clearly and visibly found there?

But, sir, what is this danger, and what are the grounds of it? Let it be remembered that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it.

If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the general government, they can alter that distribution at will.

If anything be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction unacceptable to them be established so as to become practically a part of the Constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it and refuse to change it, who has given, or who can give, to the State legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves. They imagine there is no safety for them any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety in regard to the general Constitution to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument and to such construction as the government themselves, in doubtful cases, should put on their own powers, under their oaths of office, and subject to their responsibility to them: just as the people of a State trust their own State governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they see cause. Thirdly, they have reposed trust in the judicial power which, in order that

it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret *their* high instrument of government; much less, to interfere, by their own power, to arrest its course and operation.

If, sir, the people in these respects had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State, but as a poor dependent on State permission. It must borrow leave to be, and will be no longer than State pleasure or State discretion sees fit to grant the indulgence and to prolong its poor existence.

But, sir, although there are fears, there are hopes also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault it cannot be; evaded, undermined, NULLIFIED, it will not be, if we and those who shall succeed us here as agents and representatives of the people shall conscientiously and vigilantly dis-

charge the two great branches of our public trust, — faithfully to preserve and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot, even now, persuade myself to relinquish it without expressing once more my deep conviction that, since it respects nothing less than the Union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honor of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences these great interests immediately awoke as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counselor in the affairs of this government whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it shall be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us for us and our children. Beyond that I seek not to penetrate the veil. God grant that in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honored throughout the earth, still full high advanced,[1] its arms and trophies streaming in their original lustre, not a stripe erased or polluted nor a single star obscured, bearing for its motto no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union after-

[1] "Th' imperial ensign, which, full high advanc'd."
MILTON'S *Paradise Lost*, Book I., line 653.

wards;" but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart, — Liberty *and* Union, now and forever, one and inseparable!

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